

shall be shown to them by a person appointed by the Court.

Such officer shall not suffer any other person to speak to, or hold any communication with, any of the jury or assessors, and they shall, when the view is finished, be immediately conducted back into Court.

**212.** If, in the course of a trial by jury at any time prior to the finding, Procedure when juror becomes unable to attend. any juror, from any sufficient cause, is prevented from attending through the trial,

or if any juror absents himself, and it is not possible to enforce his attendance;

a new juror shall be added, or the jury shall be discharged, and a new jury empanelled, and in either case the trial shall commence anew.

**213.** In a trial by jury, the Judge shall sum up the evidence on both sides.

The jury shall then deliver their finding upon the charge.

A statement of the Judge's direction to the jury shall form part of the record.

In trials not by jury, the ground of the Judge's decision shall be recorded.

**214.** At the close of the trial, and after the Retirement of jury to consider finding. Judge has summed up the evidence as hereinbefore provided, the jury may retire to consider their finding, and it

shall be the duty of an officer of the Court not to suffer any person to speak to, or hold any communication with, any member of such jury.

**215.** In any case in which a jury is prepared to deliver their finding, the Judge shall ask the jury whether they are unanimous, and if they are unanimous, their verdict shall be accepted and the accused person shall be acquitted or convicted accordingly.

**216.** If the jury are not unanimous, the Judge may require them to retire for further consideration. After such a period as the Judge considers reasonable, the jury may deliver their verdict although they are not unanimous.

**217.** If a majority of not less than two-thirds agree to convict the prisoner, and if the Judge agrees in their verdict, the prisoner shall be convicted. In any other case he shall be acquitted.

**218.** If a trial is adjourned, the jury or assessors shall be required to attend at adjourned sitting, and at every subsequent sitting, until the conclusion of the trial.

**219.** Criminal trials before the Court of Session in which a European (not being a British subject) or an American is the accused person, or one of the accused persons, shall be by jury.

In such case the jury, if such European or American desire it, shall consist of at least one-half of Europeans (whether British subjects or not) or Americans, if such a jury can be procured:

Provided that, in any District in which the Election to be tried Local Government has not without jury. ordered that all trials or trial for all offences of the class within which the trial about to take place falls, shall be by jury, such European or American may elect to be tried without jury.

**220.** When a trial is held in which the accused Summoning and empanelling jurors under section 219. person or one of the accused persons is entitled to be tried by a jury constituted under the provisions of section 219, the Court of Session shall, three days at least before the day fixed for holding such trial, cause to be summoned in the manner hereinafter prescribed as many European or American jurors as are required for the trial, if there be so many on the jury-list of the District.

The Court shall also at the same time in like manner cause to be summoned the same number of other persons named in the revised list, unless such number of such other persons shall have been summoned for jury trials at that session.

From the whole number of persons returned, the jurors who are to constitute the jury shall be taken by lot in the manner prescribed in section 205 until a jury containing the proper number of Europeans or Americans, or a number approaching thereto as nearly as possible, has been obtained.

If a jury containing the requisite number of Europeans and Americans be not obtained, the accused person may elect to be tried by the Judge with the aid of assessors; otherwise he shall be tried by the jury obtained by the means aforesaid.

**221.** In a trial by jury before the Court of Jury for trial of persons not Europeans or Americans. Session of a person not being a European or an American, at least one-half of the jury, if the accused person desire it, shall consist of persons who are neither Europeans nor Americans.

**222.** In any case before the Court of Session, in which a European or American is charged jointly with a person of any other race, such other person shall, if he desire it, be tried separately if the European or American claims to be tried by a jury consisting of at least one-half of Europeans and Americans.

## PART IV. APPEAL, REFERENCE, AND REVISION.

### CHAPTER I.—Appeal.

**• 223.** Any person convicted on a trial held by Appeals from officers exercising powers less than those of a Magistrate, may appeal to the Magistrate of the District or other officer exercising the powers of a Magistrate, who has been empowered by the Local Government to hear such appeals.

**224.** Any person convicted by any Civil, Criminal or Revenue Court under Part VIII of this Act, Appeals from convictions by Civil Courts. chapter III, may appeal to the Court to which deoers or orders made in such Court are ordinarily appealable, subject to the rules provided in sections 232, 233, 234, 236, 237, and 238.

Petitions of appeal under this section, if presented to any District Court, must be presented within thirty days from the day on which the sentence or order appealed against is passed.

**225.** Any person convicted and sentenced by Appeals from Justice of the Peace any Justice of the Peace exercising jurisdiction under section 47 or under section 387 or 389, may appeal to the Court of Session of the District in which the trial was held.

Cases appealed under this section shall not be afterwards liable to revision by means of a writ of *cetiorari*:

Provided that nothing in this section shall take away the power of quashing any conviction by means of a writ of *cetiorari* in any case where there has been such an appeal as aforesaid.

**226.** Any person convicted on a trial held by Appeals from Magistrate the Magistrate of the District or other officer exercising the powers of a Magistrate, or required by such Magistrate or other officer under section 443 or section 444 to give security for good behaviour, may appeal to the Court of Session of the District.

**227.** Any person convicted on a trial held by Appeals by persons con- any officer invested with the victed by officers invested power described in section under section 26. 26, may appeal to the High Court, and no appeal against such conviction shall lie to the Court of Session.

**228.** Any person convicted on a trial held by Appeals by persons con- by a Court of Session victed by Session Court. may appeal to the High Court.

If the conviction was in a trial held with the aid of assessors, the appeal may be on a matter of fact as well as on a matter of law.

If the conviction was on a trial by jury, the appeal shall be admissible on a matter of law only.

**229.** There shall be no appeal from a judgment No appeal in case of acquittal passed in any Criminal Court.

**230.** There shall be no appeal in cases in which a Court of Session No appeal in petty cases. or the Magistrate of a District or other officer exercising the powers of a Magistrate passes a sentence of imprisonment not exceeding one month, or of a fine not exceeding fifty rupees.

**231.** Petitions of appeal to any Appellate Court, except the High Court, must be presented Time for presenting Court, within thirty days from the day on which the sentence or order appealed against is passed.

Petitions of appeal to the High Court must be presented within sixty days, calculated as above.

An appeal may be admitted after the time herein provided on sufficient cause shown.

**232.** Every petition of appeal shall be accompanied by a copy of the sentence or order appealed against.

Copy of sentence to accompany petition.

**233.** The Appellate Court may reject the appeal if, on a perusal of the Rejection of appeal. petition of appeal and the copy of the sentence or order appealed against, and after hearing the appellant or his Counsel or agent if they appear, the Court considers that there is no sufficient ground for questioning the correctness of the decision or for interfering with the sentence or order appealed against.

Before rejecting the appeal, the Court may call for and peruse any part of the proceedings of the lower Court, but shall not be bound so to do.

**234.** If the party appealing be in jail in pursuance of the sentence or order appealed against, he shall be at liberty to present his petition of appeal and the copy of the sentence or order appealed against, to the Magistrate or other officer in charge of the jail, who shall thereupon forward the petition to the proper appellate authority.

**235.** A copy of the final sentence or order Copy of sentence or order to be furnished. passed by any Criminal Court, together with the reasons for passing or making the same, shall be furnished without delay on the application of any party to the case in which such sentence or order was passed.

Such copy shall be made at the expense of the person applying for it, unless he is in confinement under the sentence or order and is desirous of appealing against the same, or unless the Court, for any special reason, sees fit to grant such copy free of expense.

**236.** The Appellate Court, after perusing the proceedings of the lower Appellate Court may alter or reverse finding. Court and after hearing the plaintiff or his Counsel or agent if they appear, may alter or reverse the finding and sentence or order of such Court, but not so as to enhance any punishment that has been awarded.

**237.** In any case in which an appeal is allowed, the Appellate Court may, pending the appeal, order that the sentence be suspended, and if the appellant be in confinement for an offence which is bailable, may Release of appellant on bail. order that he be released on bail; and the High Court may exercise the same authority in cases coming before it as a Court of Revision.

**238.** In any case in which an appeal has been allowed, the Appellate Court, direct further enquiry. if it think further enquiry or additional evidence upon any point bearing upon the guilt or innocence of the appellant to be necessary, may direct such enquiry to be made and additional evidence to be taken.

The result of the further enquiry and the additional evidence shall be certified to the Appellate Court, and such Court shall thereupon proceed to dispose of the appeal.

Unless the Appellate Court otherwise directs, the presence of the appellant may be dispensed with when the further enquiry is made or evidence taken.

The provisions of this Act relating to summoning and enforcing the attendance of wit-

nesses and their examination shall, so far as may be, apply to witnesses examined under this section.

**239. No finding by a**

Certain findings not reversible on the ground of offence proved being theft.

Court of the offence of dishonest misappropriation of property under section 403 of the Indian Penal Code,

or of dishonest misappropriation of property possessed by a deceased person at the time of his death under section 404 of the said Code,

or of criminal breach of trust under section 405 of the said Code,

or of criminal breach of trust by a carrier, wharfinger or warehouse-keeper under section 407 of the said Code,

or of criminal breach of trust as a clerk or servant under section 408 of the said Code,

shall be reversed or altered by any Court, whether on appeal or revision, on the ground that the offence proved by the evidence was

the offence of theft under section 378 of the said Code,

or the offence of theft in a building, tent, or vessel under section 380 of the said Code,

or the offence of theft as a clerk or servant of property in the possession of his master under section 381 of the said Code.

Finding of theft not reversible on the ground of offence proved being dishonest misappropriation.

**240. No finding by a** Court of the offence of theft under the said section 378 of the Indian Penal Code,

or of theft in a building, tent, or vessel, under the said section 380,

or of theft as a clerk or servant of property in the possession of his master under the said section 381,

shall be liable to be reversed or altered by any Court, whether on appeal or revision, on the ground that the offence proved by the evidence was one of the following:—

dishonest misappropriation of property under the said section 403,

dishonest misappropriation of property possessed by a deceased person at the time of his death under the said section 404,

such dishonest misappropriation under the said section, the offender being at the time of the person's decease employed by him as a clerk or servant,

criminal breach of trust under the said section 405,

criminal breach of trust as a carrier, wharfinger or warehouse-keeper under the said section 407,

criminal breach of trust as a clerk or servant under the said section 408:

**241. Provided that nothing in sections 239 and**

Saving of power of Appellate Court to reduce punishment.

late Court, in any case mentioned therein, from reducing the punishment awarded by a lower Court in such case within the limits prescribed for the offence which the Appellate Court considers to have been proved by the evidence against the accused person.

**242. No finding or sentence passed by a Court of competent jurisdiction**

Finding or sentence when reversible by reason of error or defect in charge or proceedings.

shall be reversed or altered on appeal or revision on account of any error or defect, either in the charge or in the proceedings on trial, unless the accused person has been sentenced to a larger amount of punishment than could be awarded for the offence of which, in the judgment of the Appellate Court, he ought upon the evidence to have been found guilty,

or unless, in the judgment of the Appellate Court, he has been prejudiced by such error or defect.

In case the accused person has been sentenced to a larger amount of punishment than could have been awarded for the offence

Appellate Court may reduce punishment.

which, in the judgment of the Appellate Court, is proved by the evidence, the Appellate Court may reduce the punishment within the limits prescribed by the Indian Penal Code or any law for the time being in force for such offence.

**243. When any Court has convicted a person**

Procedure in case of conviction by Court not having jurisdiction.

of an offence not triable by such Court, the Appellate Court may annul the conviction and sentence of such

Court, and direct the trial of the case by a Court of competent jurisdiction.

**244. Except as** provided in section 260,

Finality of orders on appeal.

sentences and orders passed by an Appellate Court upon appeal shall be final.

Unless otherwise provided, no appeal to lie from order or sentence of Criminal Court.

of a Criminal Court.

**CHAPTER II.—Reference.**

**246. If the Court of Session pass sentence of death, the sentence shall not be executed without the confirmation of the High Court.**

If the accused person is convicted of an offence which by the Indian Penal Code is punishable with death, and the Court sentences him to any punishment other than death, the Court shall, in the statement of trials to be periodically submitted to the High Court as hereinafter required, under the head of "Sentences passed upon the accused persons," state the grounds upon which it remitted the punishment of death.

**247. A case referred to a High Court by a** Constitution of Court for hearing case referred for confirmation of sen-  
tence.

**Court of Session for confirmation of a sentence of death shall be heard by a** Court constituted by two or more Judges of such High Court.

**248. In any case so referred, the High Court** Power of High Court to confirm sentence or annul conviction.

may either confirm the sentence or pass any other sentence warranted by law, or may annul the conviction and order a new trial on the same or an amended charge.

If the case has been tried by the Court of Session with the aid of Power to acquit assessors, it shall further be competent to the High Court to acquit the accused person and order his discharge.

**249.** If the case so referred has been tried by the Court of Session with the aid of assessors, the High Court, if it think further enquiry or additional evidence upon any point bearing upon the guilt or innocence of the accused person to be necessary, may direct such enquiry to be made, or such additional evidence to be taken.

The result of the farther enquiry and the additional evidence shall be certified to the High Court, and the High Court shall thereupon proceed to pass judgment of acquittal, or such sentence as it thinks fit.

**250.** In every case so referred to the High Court, the confirmation of sentence to be signed by two Judges. sentence or order passed by the High Court, shall be signed by at least two Judges of the Court.

**251.** When the High Court of reference, When High Court exercises revision or appeal, in any part of the territories to which this Code has been extended as aforesaid, consists of a single Judge, he shall have all the powers conferred upon two or more Judges of the High Court by this chapter.

### CHAPTER III.—*Revision.*

**252.** The High Court may make and issue general rules for regulating the practice and proceedings of that Court and of all Criminal Courts subordinate to it,

for keeping all books, entries and accounts to be kept in such Courts, and

for the preparation and transmission of any calendars or statements to be prepared and submitted by such Courts,

and may also frame forms (when not prescribed by this Act) for every proceeding in the said Courts for which it thinks that a form should be provided, and from time to time may alter any such rule or form :

Provided that such rules and forms be not inconsistent with the provisions of this Act, or of any other law in force.

Any rules framed by the Court under this section shall be published in the official Gazette.

**253.** The High Court may frame rules consistent with this Act for the conduct of business transacted by any two or more Magistrates sitting together, and may from time to time repeal, alter and add to such rules.

All such rules, and all repeals and alterations thereof, and additions thereto, shall be published in the local Gazette.

**254.** The Court of Session shall send to the High Court such periodical statements or calendars of trials held by such Court as the High Court prescribes, exhibiting the offences charged, the offences of which the accused persons

are convicted, and the sentences or orders passed upon them.

**255.** A Court of Session and a Magistrate may at all times call for and examine the record of any Court immediately subordinate to such Court or Magistrate, for the purpose of satisfying itself or himself as to the legality of any sentence or order passed, and as to the regularity of the proceedings of such subordinate Court.

If the Court of Session or Magistrate is of opinion that the sentence or order is contrary to law, the Court or Magistrate shall refer the proceedings for the orders of the High Court.

No Court other than the High Court shall alter any sentence or order of any subordinate Court except upon appeal by parties concerned, duly made according to the provisions of Part IV, chapter I of this Act.

**256.** In the case of offences specified in the seventh column of the second schedule hereto annexed, as triable by the Court of Session only or by the Court of Session or Magistrate of the District, the Court of Session may order the commitment of any accused person who may have been discharged by any Magistrate.

In the case of such offences, the Court of Session may order an enquiry into any complaint which any Magistrate may have dismissed without enquiry.

In the case of such offences the Magistrate of the District shall have like powers where the Magistrate who has discharged the accused person or dismissed the complaint without enquiry is a Subordinate Magistrate.

If the Court of Session considers that any person convicted by a Magistrate has committed an offence not triable by such Magistrate, it may annul the conviction and sentence, and direct the commitment of the accused person for trial before itself.

**257.** The High Court, in any case tried by the Court of Session in which upon a review of the abstract statement or calendar of prisoners punished without reference, it appears that the sentence passed is one which cannot lawfully be passed on a person convicted of the offence as stated in the abstract statement or calendar, shall annul the sentence, and shall certify to the Court of Session the sentence which may lawfully be passed for such offence;

Thereupon the Court of Session shall pass a new sentence according to law, and shall amend the record in accordance therewith.

**258.** The High Court, in any case tried before a Court of Session in which, upon a review of the abstract statement or calendar of prisoners punished without reference, it appears that there has been error in the decision of the Court of Session on a point of law, or that a point of law should be considered by the High Court, may call for the record, or such portion thereof as it deems necessary, together with a report of the Judge's direction to the jury, if the case have been tried by a jury,

and, upon reviewing the depositions of the witnesses, the direction of the Judge, and the conviction, may determine any point of law arising out of the case, and thereupon pass such order as to the High Court seems right.

**259.** The High Court may, on the report of a General power of revision. Court of Session or of a Magistrate, or whenever it thinks fit, call for the record

of any criminal trial or the record of any judicial proceeding of a Criminal Court, other than a criminal trial, in any Court within its jurisdiction; in which it appears to it that there has been error in the decision on a point of law, or that a point of law should be considered by the High Court, and may determine any point of law arising out of the case, and thereupon pass such order as to the High Court seems right.

**260.** The High Court may call for and examine the record of any Power to call for records of Court of Session for the purpose of satisfying itself as to the legality or propriety of any sentence or order passed, and as to the regularity of the proceedings of such Court.

If it appear to the High Court that the sentence Mitigation of sentence. passed is too severe, the High Court may pass any mitigated sentence warranted by law.

If the High Court is of opinion that the sentence Reversal of sentence. contrary to law, it shall reverse the sentence or order, and pass such judgment, sentence, or order as to the Court seems right, or, if it deems necessary, may order a new trial.

**261.** Whenever a case is revised by the High Order on revision to Court under this chapter, it shall certify its decision or be certified to lower Court or District Magistrate. order to the Court in which the conviction was had or by which the order was passed; or if the conviction or order was passed by a Magistrate other than the Magistrate of the District, to the Magistrate of the District.

The Court or Magistrate to which the High Court certifies its order shall thereupon make such orders as are conformable to the decision of the High Court, and, if necessary, the record shall be amended in accordance therewith:

Provided that, in any case revised by the High Court under this chapter, the High Court shall not reverse the verdict of the jury, or, except as provided in this chapter, alter or reverse the sentence or order of the Court below.

**262.** No trial held in any Criminal Court shall be set aside, and no judgment passed by any Criminal Court shall be reversed, either on appeal or otherwise, for any irregularity in the proceedings of the trial, unless such irregularity have occasioned a failure of justice.

## PART V.

### EXECUTION.

**263.** In cases referred by the Court of Session Procedure in cases referred to High Court for confirmation. for the confirmation of a sentence by the High Court, the proper officer of the

High Court shall without delay, after the order of confirmation, or other order has been made by the High Court, send a copy of the order under the seal of the High Court, and attested with his official signature, to the Court of Session.

Such Court shall, if the sentence be confirmed immediately, issue a warrant to the officer in charge of the jail in which the prisoner is confined, to cause the sentence or order to be carried into execution; or, in the case of any other order, shall cause such order to be carried into effect.

**264.** In cases tried by the Court of Session, the Court of Session to send copy of finding and sentence to District Magistrate. Court shall forward a copy of its finding and sentence to the Magistrate of the District in which the trial was held.

If the accused person is sentenced to imprisonment, the Court shall forthwith forward him, with a warrant for the execution of the sentence, to the officer in charge of the jail of the District in which the trial was held.

The warrant shall state the offence of which the accused person has been convicted and the period during which he is to be imprisoned and the nature of the imprisonment.

In cases tried by any Court inferior to a Court of Session, the Court passing the sentence shall forthwith forward the accused person, with a similar warrant for the execution of the sentence, to the officer in charge of the jail of the District in which the trial was held.

**265.** Upon the receipt of a warrant under section 263 or 264, the officer Execution of sentence in charge of the jail under section 263 or 264. shall cause the sentence to be executed, and shall return the warrant, when the sentence has been fully executed, to the Court from which it issued, with an endorsement under his signature, certifying the manner in which the sentence has been executed.

**266.** If a prisoner sentenced to punishment is Illness of prisoner. seized with illness or is liable to personal infirmity, such that the execution of the sentence would produce corporal evil of a sort not intended, or is pregnant, the officer whose duty it is to execute the sentence may delay its execution until such illness or infirmity or pregnancy has ceased:

Provided that, if the illness or infirmity appear to be permanent, he shall report the case to the High Court, and such Court may recall the warrant and issue another containing a sentence of such commuted punishment as it thinks fit.

**267.** Whenever an offender is sentenced to pay a fine, the Court which sentences him may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender, whether or not the offence be punishable with fine only, and whether or not the sentence direct that, in default of payment of the fine, the offender shall suffer imprisonment.

Such warrant may be executed within the jurisdiction of the Court that issued it, and it shall authorize the distress and sale of any moveable property belonging to the offender without the jurisdiction of the said Court when endorsed by the Magistrate of the District in which such property is situated.

**268.** Whenever a Criminal Court imposes a fine, the Court may order Payment of fine in compensation. the whole or any part of the fine to be paid in compensation,

(1.) for expenses properly incurred in the prosecution,

(2.) for the offence complained of, where such offence can, in the opinion of the Court, be compensated by money.

Such payment shall be made, as the Court thinks fit, to or for the benefit of the complainant, or the person injured, or both.

If the fine be awarded by a Court whose decision is subject to revision, the amount awarded shall not be paid until a period of two months has elapsed from the date of the award.

**269.** In every case punishable with imprisonment in default of payment of fine, which the offender is sentenced to a fine, whether with or without imprisonment, the Criminal Courts shall be guided by the provisions of sections 64 and 65 of the Indian Penal Code in awarding the period of imprisonment in default of payment of the fine :

Provided that, in no such case decided by a Magistrate, shall the period of imprisonment awarded in default of payment of the fine exceed one-fourth of the period of imprisonment which he is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

**270.** When the punishment of whipping is awarded in addition to imprisonment, by a Court whose sentence is open to revision by a superior Court, the

whipping shall not be inflicted until fifteen days from the date of such sentence, or if an appeal be made within that time, until the sentence is confirmed by the superior Court : but the whipping shall be inflicted immediately on the expiry of the fifteen days, or in case of an appeal immediately on the receipt of the order of the Court confirming the sentence if such order is not received within the fifteen days.

**271.** In the case of an adult, the punishment of whipping shall be inflicted with such instrument in such mode and on such

part of the person as the Local Government directs, and in the case of a juvenile offender, it shall be inflicted in the way of school discipline with a light rattan.

In no case, if the cat-of-nine-tails be the instrument employed, shall the punishment of whipping exceed one hundred and fifty lashes, or, if the rattan be employed, shall the punishment exceed thirty stripes.

The punishment shall be inflicted in the presence of a Justice of the Peace, or of an officer authorized to exercise any of the powers of a Magistrate, and also, unless the Court which passed the sentence otherwise orders, in the presence of a Medical Officer.

**272.** No sentence of whipping shall be carried into execution unless a Medical Officer, if present, certifies, or unless it appears to the Justice of the Peace

or other officer present, that the offender is in a fit state of health to undergo the punishment.

If during the execution of a sentence of whipping, a Medical Officer certifies, or it appears to the officer present, that the offender is not in a fit state of health to undergo the remainder of the punishment, execution shall be finally stopped.

Nor by instalments.

No sentence of whipping shall be executed by instalments.

**273.** In any case in which, under section 272,

no part of a sentence of whipping is carried into execution, the offender shall be kept in custody till the

Court which passed the sentence can revise it, and the said Court may, at its discretion, either order his discharge, or sentence him in lieu of whipping to imprisonment for any period, which may be in addition to any other punishment to which he may have been sentenced for the same offence;

provided that the whole period of imprisonment shall not exceed that to which the offender is liable under the provisions of the Indian Penal Code, or that which the said Court is competent to award.

**274.** When a person is convicted at one time of

Sentences in cases of simultaneous conviction able under the same or different sections of the Indian Penal Code, the Court may sentence him for the offences of which he has been convicted to the several penalties prescribed by the said Code which such Court is competent to inflict; such penalties, when consisting of imprisonment, to commence the one after the expiration of the other.

It shall not be necessary for the Court, by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court ;

Provided that in no case shall the person be Maximum term of sentenced to imprisonment for a longer period than fourteen years :

Provided also that, if the case be tried by a Magistrate, the punishment shall not in the aggregate exceed twice the extent of punishment which he is by his ordinary jurisdiction competent to inflict.

**275.** When sentence is passed on an escaped convict for such escape or for on escaped convict. any other offence, the Court may direct the sentence to take effect immediately, or after such convict has suffered imprisonment or transportation, as the case may be, for a further period equal to that which remained unexpired of his former sentence at the time of his escape.

**276.** When sentence is passed on a person already under sentence of imprisonment or transportation for another offence, the Court, if the sentence be for imprisonment, shall direct the such imprisonment shall commence at the expiration of the imprisonment or transportation to which such person has been previously sentenced,

or, if he is undergoing a sentence of imprisonment, and the sentence, on such subsequent con-

viction; be for transportation, the Court may direct that the sentence shall commence immediately, or at the expiration of the imprisonment to which such person has been previously sentenced :

Provided that nothing in this section shall be held to excuse such person from any part of the punishment to which he is liable upon such former or subsequent conviction.

**277.** When any person is sentenced to imprisonment, the Local Government, or, subject to their orders and under their control, the Inspector General of

Jails, may order his removal during the period prescribed for his imprisonment from the jail or place in which he is confined to any other jail or place of imprisonment within the jurisdiction of the same Local Government.

**278.** When any person under the age of sixteen years is sentenced by any Magistrate or Court of Session to imprisonment for any offence, such Magistrate or Court may direct that such offender, instead of being imprisoned in the criminal jail, shall be confined in any reformatory recognised by the Local Government as a fit place for confinement, in which there are means of suitable discipline and of training in some branch of useful industry, and which is kept by a person willing to obey such rules as the Government prescribes with regard to the discipline and training of persons confined therein.

All persons confined under this section shall be subject to the rules so prescribed by Government.

**279.** The Governor General of India in Council may from time to time appoint a place or places within British India to which persons sentenced to transportation shall be sent : the

Local Government, or some officer duly authorized by such Government, shall give orders for the removal of such persons to the place or places so appointed ; and no sentence of transportation shall specify the place to which the person sentenced is to be transported.

**280.** When sentence of transportation is passed on a person already undergoing transportation under a sentence previously passed for another offence, it shall not be necessary for the

Local Government to order his removal from the place in which he is so undergoing transportation.

**281.** When any person is sentenced to death, the sentence shall direct that he be hanged by the neck till he is dead.

**282.** When any person has been sentenced to punishment for an offence, the Governor General of India in Council, or the Local Government, may, at any time, without conditions, or upon any conditions which the person sentenced accepts, remit the whole or any part of the punishment to which he has been sentenced.

The Governor General in Council, or the Local Government, may also, with Power to commute punishment, out the consent of the person sentenced, commute any one of the following sentences for any other mentioned after it, death, transportation, penal servitude, imprisonment.

## PART VI. EVIDENCE.

### CHAPTER I.—General Rules of Evidence.

**283.** The rules contained in this chapter shall be applicable to all trials and enquiries before Criminal Courts.

**284.** The Court shall receive as *prior facts* evidence the examination of a Civil Surgeon or other medical witness taken and duly attested by the Magistrate.

Provided that the Court may summon such Civil Surgeon or other medical witness, if it see sufficient cause for doing so.

**285.** The examination of a witness taken and attested by the Magistrate in the presence of the accused person may be given in evidence, if the witness be dead, or the Court be satisfied that for any sufficient cause his attendance cannot be procured.

**286.** Any document purporting to be a report from the Chemical Examiner to Government upon any matter or thing duly submitted to him for examination or analysis and report in the course of any criminal trial or in any preliminary enquiry relating thereto, shall, if it bears his signature, be received in evidence at a trial by the Court of Session.

No proof of such signature or that the person signing holds such office, shall be requisite, unless the Court sees reason to doubt the genuineness of the document.

**287.** The declaration of a deceased person, whether it be reduced to writing or not, and whether it be made in the presence of the accused person or not, may be given in evidence if the deceased person at the time of making such declaration believed himself to be in danger of approaching death, although he entertained at the time of making it hopes of recovery.

### CHAPTER II.—Evidence how taken.

**288.** In all Criminal Courts, complainants and witnesses shall be examined upon oath or affirmation, or otherwise according to the provisions of the law for the time being in force in relation to the examination of witnesses.

**289.** In inquiries and trials under this Act the evidence of the witnesses shall be recorded by the Magistrate or Judge, as the case may be, in the following manner.

**290.** In cases tried before Magistrates in which a summons usually issues, the Magistrate shall make a memorandum of the substance of the evidence of each witness, as the examination of the witness proceeds.

Memorandum of substance of evidence.

The memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record.

If the Magistrate is prevented from making a memorandum as above required, he shall record the reason of his inability to do so, and shall cause such memorandum to be made in writing from his dictation in open Court, and shall sign the same, and such memorandum shall form part of the record.

**291.** In all other cases whether before Magistrates or Courts of Session,

Mode and language in which evidence to be recorded.

the evidence of each witness shall be taken down in writing in the language in ordinary use in the District in which the Court is held, by or in the presence and hearing and under the personal direction and superintendence of the Magistrate, and shall be signed by the Magistrate.

When the evidence of a witness is given in English, the Magistrate may take it down in that language with his own hand, and an authenticated translation of the same, in the language in ordinary use in the District in which the Court is held, shall form part of the record.

In cases in which the evidence is not taken down in writing by the Magistrate, he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes, and such memorandum shall be written and signed by the Magistrate with his own hand, and shall be annexed to the record.

If the Magistrate is prevented from making a memorandum as above required, he shall record the reason of his inability to do so.

**292.** The Local Government may direct that

Local Government may direct evidence to be recorded in vernacular language of Magistrate.

language of the Magistrate, unless the Magistrate be prevented by any sufficient reason from taking down the evidence of any complainant or witness, in which case he shall record the reason of his inability to do so, and shall cause the evidence to be taken down in writing from his dictation in open Court.

The evidence so taken down shall be signed by the Magistrate, and shall form part of the record:

Provided that, if the vernacular language of the Magistrate be not English or the language in ordinary use in the District in which the Court is held, the Local Government may direct him to take down the evidence in the English language or in

the language in ordinary use in the District in which the Court is held, instead of his own vernacular.

**293.** In cases tried before Magistrates in which a summons usually issues, the Magistrate may, if he thinks fit, take down the evidence of any witness in the manner provided in section 291, or if within the jurisdiction of such Magistrate, the Local Government has made the order referred to in section 292, in the manner provided in section 292.

**294.** The Local Government may determine what, for the purposes of this Act, shall be held to be the language in ordinary use in any District in which a Court is held.

**295.** The evidence shall not ordinarily be Evidence how to be taken down in the form of recorded.

question and answer, but in the form of a narrative.

It shall be in the discretion of the Magistrate to take down, or cause to be taken down, any particular question and answer, if there appear any special reason for so doing, or any person who is a prosecutor or a person accused, or his Counsel or agent, requires it.

When the evidence is completed, it shall be Evidence to be read to, read over to the witness in witness.

the presence of the accused person if in attendance, or of his agent when his personal attendance is dispensed with and he appears by agent, and shall, if necessary, be corrected.

If the witness deny the correctness of any part of the evidence when the same is read over to him, the Magistrate may, instead of correcting the evidence, make a memorandum thereon of the objection made to it by the witness, and shall add such remarks as he thinks necessary.

If the evidence be taken down in a different language from that in which it has been given, and the witness does not understand the language in which it is taken down, the witness may require his evidence as taken down to be interpreted to him in the language in which it was given, or in a language which he understands.

**296.** A memorandum to be signed by the Magistrate shall be attached to the evidence of every witness, whether for the prosecution or the defence, and shall state that the evidence was read over to the witness in a language which he understood (naming the language), and, if the fact is so, that the witness acknowledged such evidence to be correct.

When the evidence is not taken down by the Magistrate with his own hand, the memorandum shall further state that the evidence was taken down in his presence and hearing, and under his personal direction and superintendence.

**297.** If the evidence is given in a language not understood by the accused person, it shall be interpreted to him in open Court in a language understood by him, in all cases where he is present in person.

If he appears by agent, and the evidence is given in a language other than the language in ordinary use in the District in which the Court is held, it shall be interpreted to such agent in that language.

**298.** Every Judge or Magistrate recording the evidence of a witness shall record such remarks as he thinks material respecting the demeanour of such witness whilst under examination.

*Remarks respecting demeanour of witness.*

**299.** Sections 296, 297 and 298 shall not apply to evidence taken by a Magistrate in cases in which a summons usually issues, unless he thinks fit to act under section 293.

### CHAPTER III.—*Of the Examination of Persons accused.*

**300.** In inquiries and trials before Magistrates, the accused may be questioned, time to time and at any stage of the proceedings, and in trials before the Court of Session, the Court at the close of the case for the prosecution and at the close of the evidence (if any) on behalf of the accused person,

may put any questions to the accused person which the Magistrate or Court may think proper.

It shall be in the option of the accused person to answer such questions.

**301.** No influence, by means of any promise or threat or otherwise, shall be used to induce the accused person to induce him to disclose or withhold any matter within his knowledge.

*No influence to be used to induce disclosures.*

**302.** No oath or affirmation shall be administered to the accused person.

*Accused not to be sworn.*

**303.** In inquiries and trials before Magistrates, the examination of the accused person, including every question put to him and every answer given by him, shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers.

*Examination of accused how recorded.*

When the whole is made conformable to what he declares is the truth, the examination shall be attested by the signature of the Magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing, and contains accurately the whole of the statement made by the accused person.

**304.** The Magistrate of the District or other officer exercising the powers of a Magistrate, and any Subordinate Magistrate duly empowered under section 88, recording his reason for so doing, may tender a pardon to any one or more of the persons supposed to have been directly or indirectly concerned in or privy to any offence specified in column seven of the second schedule hereto annexed as triable by the Court of Session, on condition of his or their making a full, true and fair disclosure of the whole of the circumstances within his or their knowledge relative to the crime committed, and every other person concerned in the perpetration thereof.

*Magistrate may tender pardon to accomplice.*

Any person accepting a tender of pardon under this section, shall be examined as a witness in the case under the rules applicable to the examination of witnesses.

Such person, if not on bail, may, if the Magistrate or other officer as aforesaid thinks proper, be detained in custody pending the termination of the trial.

**305.** The High Court as a Court of reference, in cases tried with the aid of assessors, and the Court of Session may direct of Session, after committal tender of pardon, but before the commencement of a trial, may, with the view of obtaining on the trial the evidence of any person or persons supposed to have been directly or indirectly concerned in or privy to any such offence, instruct the Magistrate to tender a pardon on the same condition to such person or persons.

The Court of Session in like manner and on the same condition may, at any time during a trial, with the view of obtaining on the trial the evidence of any person or persons supposed to have been directly or indirectly concerned in or privy to any such offence, tender a pardon to such person or persons.

**306.** When a pardon has been tendered under section 304 or section 305, when High Court or Court of Session may direct commitment of person to whom pardon has been tendered.

High Court as a Court of reference, that any person who has accepted an offer of pardon has not conformed to the conditions under which the pardon was tendered, either by wilfully concealing anything essential, or by giving false evidence or information, such Magistrate or Court may commit or direct the commitment of such person for trial for the offence in respect of which the pardon was so tendered.

### CHAPTER IV.—*Of securing the Attendance of Witnesses.*

**307.** The following procedure shall be pursued in order to obtain the attendance of witnesses in cases in which a person accused or suspected of crime is brought or appears before a Magistrate.

**308.** In cases usually tried before a Magistrate upon summons, the Magistrate may summon any person who appears to him likely to give material evidence on behalf of the complainant or the accused.

**309.** In cases usually tried before a Magistrate upon warrant, the Magistrate shall ascertain from the complainant or otherwise the names of any persons who may be acquainted with the facts and circumstances of the case, and are likely to give evidence for the prosecution, and summon them before him to give evidence.

The Magistrate shall also summon any witness and examine any evidence that may be offered in behalf of the accused person to answer or disprove the evidence against him, and may for that purpose, at his discretion, adjourn the trial from time to time.

**310.** In inquiries preliminary to commitment to a Court of Session, the Magistrate shall procure the attendance of witnesses for the prosecution as in cases usually tried upon

warrant, and it shall be in his discretion to summon any witness offered in behalf of the accused person to answer or disprove the evidence against him.

**311.** In such inquiries, when the person accused is to be committed for trial is to be committed and has given in the list of witnesses mentioned in section 309, the Magistrate shall summon the witnesses to appear before the Court before which the accused person is to be tried.

**312.** If the Magistrate thinks that any witness is included in the list for the purpose of vexation or delay or of defeating the ends of justice, he may require the accused person to satisfy him that there are reasonable grounds for believing that such witness is material.

If the Magistrate be not so satisfied, he shall not be bound to summon the witness, unless such a sum is deposited with the Magistrate as he thinks necessary to defray the expense of obtaining the attendance of the witness.

**313.** The accused person shall be allowed to examine any witness not previously named by him if such witness be in attendance, but he shall not be entitled of right to have any witness summoned other than the witnesses named in the list delivered to the Magistrate by whom he was committed or held to bail for trial, except as provided in section 402.

**314.** Any Court or Magistrate may at any stage of any inquiry or trial material witness or summon or examine any witness whose evidence appears essential to the just decision of the case, or examine any person in attendance though not summoned as a witness.

**315.** If the Magistrate has reason to believe that any witness whose attendance is required will not attend to give evidence without being compelled to do so, he may, instead of issuing a summons, issue his warrant of arrest in the first instance.

**316.** If the warrant cannot be served, and the Magistrate is satisfied that the witness absconds or conceals himself for the purpose of avoiding the service thereof, he may issue a proclamation, requiring the attendance of such witness to give evidence at a time and place to be named therein, to be affixed on some conspicuous part of his ordinary place of abode.

If the witness does not attend at the time and place named in such proclamation, the Magistrate may order the attachment of any moveable property belonging to such witness to such amount as he deems reasonable, not being in excess of the amount of costs of attachment and of any fine to which the witness may be liable under the provisions of the following section.

Such order shall not authorize the attachment of any property out of the jurisdiction of the Magistrate by whom it is made, but it shall authorize the attachment of property in the jurisdiction of any Magistrate by whom such order is endorsed.

**317.** If the witness appears and satisfies the Magistrate that he did not abscond or conceal himself for the purpose of avoiding the service of the warrant, and that he had not notice

of the proclamation in time to attend at the time and place named therein, the Magistrate shall direct that the property be released from attachment, and shall make such order in regard to the costs of the attachment as he thinks fit.

If such witness does not appear, or appearing, fails to satisfy the Magistrate that he did not abscond or conceal himself for the purpose of avoiding the service

of the warrant, and that he had not such notice of the proclamation as aforesaid, the Magistrate may order the property attached, or any part thereof, to be sold for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of any fine which he may impose upon such witness under the provisions of section 172 of the Indian Penal Code.

If the witness pays to the Magistrate the costs and fine as aforesaid, the Magistrate shall order the property to be released from attachment.

**318.** If any person summoned to give evidence neglects or refuses to appear at the time and place appointed by the summons, and no valid excuse is offered for such neglect or refusal, the Magistrate, upon proof of the summons having been duly served, may issue a warrant under his hand and seal, to bring such person before him to testify as aforesaid.

**319.** If any person summoned or brought before a Magistrate refuses to answer such questions as are put to him, without offering any valid excuse for such refusal, the Magistrate may, by warrant under his hand and seal, commit him to custody for any term not exceeding seven days, unless in the meantime he consents to be examined and to answer, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of section 387.

**320.** If any witness before a Court of Session refuses to answer any question which shall be put to him, and does not offer any just excuse for such refusal, the Court may commit him to custody for such reasonable time as it deems proper, unless in the meantime he consents to be examined and to answer.

In the event of his persisting in his refusal, he may be dealt with according to the provisions of section 387.

**321.** Prosecutors and witnesses for the prosecution, whose attendance may be necessary before the Court of Session, shall execute before the Magistrate recognizances in the Form (E) given in the appendix, or to the like effect, to be in attendance when called upon at the Court of Session, to prosecute or to give evidence, as the case may be.

If any prosecutor or witness refuses to attend before the Court of Session or to execute

the recognizance above directed, the Magistrate may detain him in custody, until he executes such recognizance, or until the time when his attendance at the Court of Session is required, when the Magistrate shall send him under custody to the Court of Session.

#### CHAPTER V.—*Of Search-Warrants.*

**322.** When a Magistrate considers that the production of anything is essential to the conduct of an enquiry into an offence known or suspected to have been committed, or when he considers that such enquiry will be furthered by the search or inspection of any house or place, he may grant his search-warrant, and the officer charged with the execution of such warrant may search any house or place within such Magistrate's jurisdiction.

The Magistrate may, if he see fit, specify in his warrant the house or place, or part thereof, to which only the search or inspection shall extend, and the officer charged with the execution of such warrant shall then search only the house, place or part so specified.

**323.** A search-warrant shall ordinarily be directed to a Police officer, but the Magistrate issuing the warrant may, if he see fit, direct it to any other person.

**324.** A search-warrant directed to an officer in charge of a Police-station may, if he is not able to proceed in person, be executed by any officer subordinate to him.

In such case the name of such subordinate officer shall be endorsed upon the warrant by the officer to whom it is directed.

**325.** When it is necessary for a search-warrant to be executed out of the jurisdiction of the Magistrate issuing the warrant, the Magistrate within whose jurisdiction the warrant is to be executed shall endorse his name thereon.

Such endorsement shall be sufficient authority for the Police officer charged with the execution of the warrant to execute the same within the same jurisdiction.

Or the search-warrant may be directed to the Magistrate within whose jurisdiction the search is to be made, and he shall thereupon endorse his name on such warrant and enforce its execution in the same manner as if it had been issued by himself.

**326.** Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate in whose District the warrant is to be executed will prevent the discovery of the thing for which search is to be made, the Police officer charged with the execution of the warrant may execute the same in any place beyond the jurisdiction of the Magistrate by whom it was issued without the endorsement of the Magistrate in whose jurisdiction that place is situate.

If the thing for which search is made is found in such place, it shall be immediately taken before the Magistrate in whose jurisdiction it is found, and, unless there be good cause to the contrary, he shall make an order authorizing it to be taken to the Magistrate who issued the warrant.

**327.** If the thing searched for be found within the local limits of a High Court, it shall be taken to the Chief Commissioner of Police or to a Police Magistrate, who shall act in the manner prescribed in section 326.

**328.** Whenever it appears necessary, a Magistrate may issue a search-warrant to be executed in jurisdiction of another Magistrate.

When a Magistrate issues a warrant under this section, he shall inform the Magistrate within whose jurisdiction the house or place to be searched is situate, or if the house or place be situate within the local limits of any High Court, he shall inform the Chief Commissioner of Police, of the issue of such warrant.

**329.** A Magistrate issuing a search-warrant to be executed in any house or place out of the jurisdiction of the Magistrate of the District, may direct the warrant to any Magistrate within whose jurisdiction such house or place is situate, and may send the same by post.

On receipt of the warrant by the Magistrate to whom it is directed, he shall endorse his name thereon and enforce its execution in the same manner as if it had been originally issued by himself.

If the warrant is to be executed within the local limits of the High Court, it shall be addressed to the Commissioner of Police or to a Police Magistrate.

In such case any property found on search made may be dealt with as provided in sections 326 and 327.

**330.** If the Magistrate of the District or a Magistrate in charge of a division of a District, or any other officer exercising the powers of a Magistrate, upon information and after such enquiry as he thinks necessary, has reason to believe that any house or other place is used as a place for the deposit or sale of stolen property,

or for the deposit or sale or manufacture of forged documents, or counterfeit Government stamps, or counterfeit coin, or instruments or materials for counterfeiting coin or for forging,

or that any forged documents, or counterfeit stamps, or false seals, or any counterfeit coin, or instruments or materials used for counterfeiting

coin, or for forging, are kept or deposited in any house or other place.

he may by his warrant authorize any Police officer above the rank of a constable to enter, with such assistance as may be required, and by force if necessary, any such house or other place, and to search all such parts of the same as are specified in the warrant, and to seize and take possession of any property, documents, stamps, seals, or coins therein found, which he may reasonably suspect to be stolen, forged, false, or counterfeit, and also of any such instruments and materials as aforesaid.

**331.** The Magistrate by whom a search-warrant is issued may attend personally for the purpose of seeing that the warrant is duly executed.

The Magistrate may also direct a search to be made in his presence, of any house or place for the search of which he is competent to issue a search-warrant.

**332.** Whenever an officer in charge of a Police-station considers that it is necessary to the conduct of an enquiry into any offence which he is authorized to investigate, he may search or cause search to be made for the same, in any house or place within the limits of such station.

In such case, the officer in charge of the Police-station shall, if practicable, conduct the search in person.

If unable to conduct the search in person, and there is no other person competent to make the search present at the time, the officer in charge of the Police-station may require any officer subordinate to him to make the search, and he shall deliver to such officer an order in writing, specifying the property for which search is to be made and the house or place to be searched, and the subordinate officer may thereupon search for such property in such house or place.

The provisions of sections 335 to 338 (both inclusive), relating to search-warrants, shall be applicable to a search under this section made by or under the direction of an officer in charge of a Police-station.

**333.** An officer in charge of a Police-station may require an officer in charge of another Police-station, whether subordinate to the same Magistrate as himself or to a Magistrate of another District, to cause a search to be made in any house or place in any case in which the former officer might cause such search to be made within the limits of his own station.

**334.** An officer in charge of a Police-station may, without a warrant, enter any shop or premises within the limits of such station for the purpose of inspecting or searching for any weights or measures or instruments for weighing used or kept therein, whenever he has reason to believe that there are in such shop or premises any weights, measures, or instruments for weighing which are false.

If he finds in such shop or premises any weights, measures, or instruments that are false, he may seize the same, and shall forthwith give information of such seizure to the Magistrate having jurisdiction.

**335.** If the house or place to be searched is closed, it shall be the duty of any person residing in or being in charge of such house or place, on demand of the officer or other person executing the warrant, to allow such officer or other person free ingress thereto, and to afford all reasonable facilities for a search therein.

**336.** A Police officer, or other person authorized by a warrant to search any house or place, may break open any outer or inner door or window of the house or place, in order to execute the warrant, if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance.

**337.** If the place ordered to be searched is an apartment in the actual occupancy of a woman who, according to the customs of the country, does not appear in public, the officer or other person charged with the execution of the warrant shall give notice to such woman in such apartment, not being a woman against whom a warrant of arrest has been issued, that she is at liberty to withdraw.

After giving such notice and allowing a reasonable time for the woman to withdraw, and affording her every reasonable facility for withdrawing, he may enter such apartment for the purpose of completing the search, using at the same time every precaution consistent with these provisions for preventing the clandestine removal of property.

**338.** The search of any house or place under this chapter shall be made in the presence of two or more respectable inhabitants of the place in which the house or place searched is situate, but they shall not be required to attend the Court of the Magistrate as witnesses, unless specially summoned by him.

The occupant of the house or place or some person in his behalf shall, in every instance, be permitted to attend during the search.

**339.** Whenever it is necessary to cause a woman to be searched, the search shall be conducted with strict regard to the habits and customs of the country.

## PART VII.

### PROCEDURE INCIDENTAL TO INQUIRY AND TRIAL.

#### CHAPTER I.—*Bail.*

**340.** When any person appears or is brought before a Magistrate accused of any of the offences specified as bailable in column five of the second schedule hereto annexed, he shall be admitted to bail.

**341.** When any person appears or is brought before a Magistrate accused of any offence entered as not bailable in column five of the second schedule hereto annexed, such person shall not be admitted to bail, if there appear reasonable grounds for believing that he has been guilty of the crime imputed to him.

If the evidence given in support of the accusation is, in the opinion of the Magistrate, not such as to raise a strong presumption of the guilt of the accused person and to require his committal,

or if such evidence is adduced on behalf of the accused person as, in the opinion of the Magistrate, weakens the presumption of his guilt, but there appears to the Magistrate in either of such cases to be sufficient ground for further enquiry into his guilt,

the accused person shall be admitted to bail pending such enquiry.

**342.** The Court of Session may direct that any accused person shall be admitted to bail, or that the bail required by a Magistrate be reduced.

**343.** When a Magistrate admits to bail any person accused or suspected of any offence, a recognizance in such sum of money as the Magistrate thinks sufficient, shall be entered into by the person so accused and one or more sureties, conditioned that such person shall attend during the preliminary enquiry, and, if required, shall appear when called upon at the Court of Session to answer the charge.

**344.** If through mistake or fraud insufficient bail has been taken, or if the sureties become afterwards insufficient, the accused person may be ordered by the Magistrate to find sufficient sureties, and, in default, may be committed to prison.

**345.** If the accused person cannot find sureties when called upon, he shall be admitted to bail upon finding the same at any time afterwards before conviction.

**346.** After the recognizances have been duly entered into, the Magistrate, in case the accused person has appeared voluntarily or is in the custody of some officer, shall thereupon discharge him; and in case he is in some prison or other place of confinement, shall issue a warrant of discharge to the jailor or other person having him in his custody, and such jailor or other person shall thereupon liberate him.

**347.** The sureties for an accused person may, at any time, apply to the Magistrate to be discharged from their engagements.

On such an application being made, the Magistrate shall issue his warrant of arrest, directing that such person be brought before him.

On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the recognizances of the sureties to be discharged, and shall call upon such person to find other sureties, and, in default, may order him to be committed to prison.

**348.** Whenever, by reason of default of appearance of the person executing the personal recognizance, payment of penalty by the Magistrate is of opinion that proceedings should

be had to compel payment of the penalty mentioned in the recognizance, he shall proceed to enforce the penalty by the attachment and sale of the moveable property belonging to such person, which may be found within the jurisdiction of the Magistrate of the District.

**349.** Whenever, by reason of default of appearance by the person bailed,

Procedure to compel payment of penalty by sureties. the Magistrate is of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance of the surety or sureties, he shall give notice to the surety or sureties to pay the same, or to show cause why it should not be paid.

If no sufficient cause be shown, the Magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any moveable property belonging to him or them which may be found within the jurisdiction of the Magistrate of the District.

If the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the Magistrate, in the Civil jail, during a period not exceeding six months.

**350.** The powers given by sections 348 and

In what cases the powers given by sections 348 and 349 may be exercised by every Criminal Court in every case in which a personal recognizance or bail has been given for the appearance of a party or witness, if default is made by the non-appearance of such party or witness before such Court according to the conditions of such recognizance or bail:

Provided that the Magistrate or Court may, at Remission of part of his or its discretion, remit any portion of the penalty mentioned in the personal recognizance or in the recognizance of the surety or sureties, and enforce payment in part only:

All orders passed by any Magistrate under this section or section 348 or 349 Revision of orders. shall be subject to revision by the Magistrate of the District.

**351.** When any person is required by any Criminal Court to give bail, instead of bail, such Court may permit such person to deposit a sum of money or Government promissory notes to such amount as it may fix in lieu of such bail.

## CHAPTER II.—Formation of Lists of Jurors and Assessors and their Attendance.

**352.** The Collector of the District or such List of jurors and other officer as the Local Government from time to time appoints in this behalf, shall prepare and make out in alphabetical order a list of persons residing within ten miles from the place where trials before the Court of Session are held, or within such other distance as the Local Government thinks fit to direct who are in the judgment

of the Collector or other officer as aforesaid qualified from their education and character to serve as jurors or as assessors, respectively.

The list shall contain the name, place of abode, and quality or business of every such person; and if the person is a European or an American, the list shall mention the race to which he belongs.

**353.** Copies of such list shall be stuck up in the office of the Collector or other officer as aforesaid and in the Court-houses of the Magistrate of the District and of the Chief Civil Court, and in some conspicuous place in the town or towns near or in the vicinity of which the persons named in the list reside.

To every such copy shall be subjoined a notice, stating that objections to the list will be heard and determined by the Collector or other officer as aforesaid at a time and place to be mentioned in the notice.

**354.** The Collector or other officer as aforesaid shall, at the time and place mentioned in the notice, revise the list and hear the objections (if any) of persons interested in the amendment thereof, and shall strike out the name of any person not qualified in his judgment to serve as a juror or as an assessor, or who may avail himself of the exemption from service given by section 358, and insert the name of any person omitted from the list whom he deems qualified for such service.

A copy of the revised list shall be signed by the Collector or other officer as aforesaid and sent to the Court of Session.

Any order of the Collector or other officer as aforesaid in preparing and revising the list shall be final.

**355.** The list so prepared and revised shall be again revised at least once in every year.

The list so revised shall be deemed a new list and shall be subject to all the rules hereinbefore contained as to the list originally prepared.

**356.** All male persons between the ages of twenty-one and sixty, resident within the local limits of the jurisdiction of the Court of Session, except those hereinafter mentioned, shall be deemed capable of serving as jurors and assessors, and shall be liable to be summoned accordingly.

**357.** The following persons are incapable of serving as jurors or as assessors in trials before the Court of Session, namely:—

Persons who hold any office in or under the said Court.

Persons executing any duties of Police or entrusted with any Police functions.

Persons who have been convicted of any offence against the State, or of any fraudulent or other offence which, in the judgment of the Collector, renders them unfit to serve on the jury.

Persons afflicted with any infirmity of body or mind, sufficient to incapacitate them from serving.

Persons who, by habit or religious vows, have relinquished all care of worldly affairs.

**358.** The following persons are exempt from the liability to serve as jurors or as assessors, namely:—

Judges and other judicial officers.

Commissioners and Collectors of Revenue or Customs.

All persons engaged in the Preventive Service in the Customs Department.

All persons engaged in the collection of the revenue whom the Collector thinks fit to exempt on the ground of official duty.

Chaplains and others employed in religious offices.

All persons in the Military service.

Surgeons and others who openly and constantly practise in the profession of Physic.

Persons employed in the Post Office and Electric Telegraph Departments.

Persons actually officiating as priests in their respective religions.

Persons exempted by Government from personal appearance in Court under the provisions of the Code of Civil Procedure, section 22.

Person exempted is not bound to avail himself of his right of exemption. The exemption from service given by this section is a right of which each person exempted may avail himself or not.

Nothing herein contained shall be construed to disqualify any such person, if he is willing to serve as a juror or as an assessor.

**359.** The Court of Session shall ordinarily, three days at the least before the time fixed for the holding of sessions, cause the Magistrate to summon as many persons named in the said revised list as seem to the Court to be needed for trials by jury and trials with the aid of assessors at the said sessions, the number to be summoned not being less than double the number required for any case about to be tried at such sessions.

The names of the persons to be summoned shall be drawn by lot in open Court, excluding those on the revised list who have served within six months, unless the number cannot be made up without them, and shall be specified in the precept to the Magistrate.

**360.** Every summons to a juror or assessor shall be in writing, and shall require his attendance as a juror or assessor at a time and place to be therein specified.

The summons or a copy thereof shall be served on every juror or assessor personally.

If the juror or assessor summoned be absent from his usual place of abode, the summons may be left for him there with some adult male member of his family residing with him.

**361.** The Court of Session may direct jurors or assessors to be summoned at other periods than the period specified in section 359, when the number of trials before the Court renders the attendance of one set of jurors or assessors for a whole session oppressive, or whenever it is found to be necessary.

**362.** If any person summoned to serve as a service of summons on a juror or assessor be in the office of Government, the service of Government, the summons shall be sent to him through the head

officer of the office in which he is employed, and the Court may excuse the attendance of such person if it appear, on the representation of such head officer, that the person summoned cannot serve as a juror or assessor without inconvenience to the public service.

Court may excuse attendance of juror or assessor.

**363.** The Court of Session may excuse any juror or assessor from attendance for reasonable cause.

List of jurors or assessors attending.

**364.** At each session the Court shall cause to be made a list of the names of those who serve as jurors or assessors at such session.

The list shall be kept with the revised list of the jurors and assessors prepared under section 354.

A reference shall be made in the margin of the said revised list to each of the names which are mentioned in the list prepared under this section.

Penalty for non-attendance of juror or assessor.

**365.** Any person summoned to attend as a juror or as an assessor who, without lawful excuse, fails to attend as required by the summons, or having attended, departs without having obtained the permission of the Court, or fails to attend after an adjournment of the Court after being ordered to attend, shall be liable by order of the Court of Session to a fine not exceeding one hundred rupees.

Such fine shall be levied by the Magistrate of the District by attachment and sale of any moveable property belonging to such juror or assessor within the jurisdiction of the Court making the order.

In default of recovery of the fine by such attachment and sale, such juror or assessor may be imprisoned in the civil jail for the space of fifteen days if the fine be not sooner paid.

### CHAPTER III.—Miscellaneous Provisions.

**366.** The seizure by any Police officer of property alleged or suspected to have been stolen, or of property seized by any Police officer under circumstances which create suspicion of the committal of any offence, shall be forthwith reported to a Magistrate, who shall thereupon make such order respecting the custody and production of the property as he thinks proper.

If the property is of a perishable nature, or if it appear to the Magistrate that its sale would be for the benefit of the owner, he may at any time direct it to be sold, and shall hold the proceeds in trust for the owner subject to the provisions contained in sections 367 and 368:

Provided that no Subordinate Magistrate of the Second Class shall exercise this power unless he is generally or specially authorized to do so by the Magistrate of the District.

Procedure where owner of property seized unknown.

**367.** When the owner of any such property in case of such detention, shall issue a proclamation specifying the articles of which such property consists or consisted, and requiring any person who may have a claim thereto or to the proceeds

thereof to appear before him and establish his claim within six months from the date of such proclamation.

**368.** If no person within such period establishes his claim to such property or proceeds, and if the person in whose possession such property was found is unable to show that it was legally acquired by him, the property shall be at the disposal of the Government, and may be sold under the orders of the Magistrate of the District, or, if it has been already sold by the Magistrate, the proceeds shall be at the disposal of the Government.

**369.** When the trial in any Criminal Court Order for disposal of property regarding which offence committed. is concluded, the Court at the time of passing judgment may make such order as appears right for the disposal of any property produced before it regarding which any offence appears to have been committed.

**370.** Any Court of appeal, references or revision may direct any such Stay of such order. order passed by a Court subordinate thereto to be stayed, and may modify, alter or annul it.

**371.** The order passed by any Court under Order may take form section 369 or 370 may be of reference to Magistrate in the form of a reference of District. of the property to the Magistrate of the District, who shall in such cases deal with it as if the property had been seized by the Police and the seizure had been reported to him in the manner hereinbefore mentioned.

**372.** Every warrant for the commitment of a person to custody shall be Form and direction of warrant of commitment in writing and signed and sealed by the Judge or Magistrate who issues it, and shall be directed to some jailor or other officer or person having authority to receive and keep prisoners, and shall be in the Form (C) given in the appendix to this Act or to the like effect.

**373.** The warrant of commitment shall be lodged with the jailor, if he Warrant with whom be in the jail; and if he be to be lodged. not in the jail, with his deputy.

If the jailor has no deputy, the warrant may be lodged with any officer of the jail then being in the jail.

**374.** Subject to any rules that may be passed Expenses of complainant and witnesses. by the Local Government with the previous sanction of the Governor General of India in Council, the Criminal Courts may order payment on the part of Government of the reasonable expenses of any complainant or witness attending for the purpose of any trial before such Court under this Act.

**375.** When the services of an interpreter are required by any Criminal Court for the interpretation of any evidence or statement, he shall be sworn in the manner provided for witnesses by any law for the time being in force, to interpret truly such evidence or statement, and he shall be bound to state the truth in his interpretation of such evidence or statement.

**PART VIII.****EXCEPTIONAL INCIDENTS.****CHAPTER I.—*Lunatics.***

**376.** When any person charged with an offence appears to the Magistrate having jurisdiction to be of unsound mind and incapable, in consequence of making a defence, the Magistrate shall institute an inquiry to ascertain the fact of such unsoundness of mind, and shall cause the accused person to be examined by the Civil Surgeon of the District, or some other medical officer, and thereupon shall examine such Civil Surgeon or other medical officer, and shall reduce the examination into writing.

If the Magistrate is of opinion that the accused person is of unsound mind, he shall stay further proceedings in the case.

**377.** When, from the evidence given before a Magistrate, there appears to be sufficient ground for believing that the accused person committed an act which, if he had been of sound mind, would have been an offence triable exclusively by the Court of Session, and that he was at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act charged or that he was doing what was wrong or contrary to law, he shall be sent for trial by the Magistrate before the Court of Session:

If the Magistrate is a Justice of the Peace and the accused person is a European British subject, the Magistrate shall follow the procedure prescribed in the second paragraph of section 176.

**378.** If any person committed for trial before a Court of Session, shall at his trial appear to the Court to be of unsound mind and incapable of making his defence, the Court shall in the first instance try the fact of such unsoundness of mind, and if satisfied of the fact, shall give a special judgment that the accused person is of unsound mind and incapable of making his defence, and thereupon the trial shall be postponed.

**379.** Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Magistrate or Court of Session, as the case may be, if the offence be bailable, may release such person on sufficient security being given that he shall be properly taken care of, and shall be prevented from doing injury to himself or to any other person, and for his appearance when required.

If the offence be not bailable, or if the required bail be not given, the accused person shall be kept in safe custody in such place as the Local Government to which the case shall be reported shall direct.

**380.** Whenever any investigation or trial of a case is postponed under section 376 or section 378, the Magistrate or Court of Session, as the case may be, may at any time resume the investigation or trial, and require the accused person, if detained in custody, to be brought before such Magistrate or

Court, or if the accused person has been released on security, may require his appearance.

Until such investigation or trial is completed, the case shall be considered as pending before the Magistrate or Court of Session, and shall be included in any register of pending cases kept by such Magistrate or Court.

The surety of such person shall be bound at any time to produce him to any officer whom the Magistrate or Court of Session appoints to inspect him, and the certificate of such officer shall have the same effect as the certificate of an Inspector General of Jails or the visitors of Lunatic Asylums, granted under section 384.

**381.** If, when the accused person appears or is again brought before the Magistrate or the Court of Session, as the case may be, it appears to such Magistrate or Court that the accused person is in a fit state of mind to make his defence, the investigation shall proceed, or the accused person shall be put on his trial, as the case may require.

If it appears that the accused person is still of unsound mind, and incapable of making his defence, the Magistrate or Court of Session shall again act according to the provisions of section 376 or section 378.

**382.** Whenever any person is acquitted upon the ground that, at the time at which he is charged to have committed an offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act charged or that he was doing what was wrong or contrary to law, the finding shall state specially whether he committed the act or not.

**383.** Whenever such finding states that the accused person committed the act charged, the Magistrate or Court of Session before whom the trial was held shall, if the act charged would, but for the incapacity found, have amounted to an offence, order such person to be kept in safe custody, in such place and manner as to the Magistrate or Court of Session seems fit, and shall report the case for the order of the Local Government.

The Local Government may order such person to be kept in safe custody in a Lunatic Asylum or other suitable place of safe custody.

**384.** *Clause 1.*—When any person is confined under the provisions of section 379 or section 383, the Inspector General of Jails, if such person is confined in a jail, or the visitors of the Lunatic Asylums or any two of them, if he is confined in a Lunatic Asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every three months by such Inspector General or by two of such visitors as aforesaid, who shall make a special report to the Local Government as to his state of mind.

*Clause 2.*—If such person is confined under section 379, and such Inspector General or visitors as aforesaid shall certify that, in his or their opinion, such

person is capable of making his defence, he shall be taken before the Magistrate or Court of Session, as the case may be, at such time as such Magistrate or Court of Session appoints; and such Magistrate or Court shall deal with such person under the provisions of section 381, and the certificate of such officer or visitors as aforesaid shall be receivable as evidence.

**Clause 3.—**If such person is confined under the procedure where lunatic confined under section 367 is declared capable of being discharged, such Inspector General or visitors as aforesaid shall certify that in his or their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Local Government shall thereupon either order his discharge or order him to be transferred to a public Lunatic Asylum if he has not been already sent to such an Asylum, and shall appoint a commission, consisting of a judicial officer not below the grade of a Sessions Judge, and two medical officers, whereof the chief medical officer attached to the Lunatic Asylum shall be one.

The said commission shall make formal enquiry into the state of mind of such person, taking such evidence as is necessary; and if they consider that he can be set at liberty without danger to himself or to any other person, he shall be discharged.

**385.** Whenever it appears to the Local Government that any person imprisoned in any Court or Magistrate is of unsound mind, the Local Government, by an order setting forth the grounds of belief that such prisoner is of unsound mind, may direct his removal to a Lunatic Asylum, there to be kept and treated as the Local Government directs during the remainder of the term of imprisonment ordered by the sentence: or if a medical officer certifies that it is necessary for the safety of the prisoner or others that he should be detained under care and treatment, then until he shall be discharged according to law.

When it appears to the Local Government that such person has become of sound mind, the Local Government, by an order directed to the person having charge of him, shall remand him to the custody from which he was removed, if then still liable to be kept in custody, or, if not, shall order him to be discharged out of custody.

The provisions of section IX of Act No. XXXVI of 1858 (relating to Lunatic Asylums) shall apply to persons confined in a Lunatic Asylum under this section after the expiration of the imprisonment ordered by the sentence.

The time during which a person is confined in a Lunatic Asylum shall be reckoned as part of the term of imprisonment ordered by the sentence.

**386.** Whenever any relative or friend of any person detained under the provisions of section 383 is desirous that he shall be delivered over to his care and custody, the Local Government, upon the application of such relative or friend and on his giving security to the satisfaction of such Government that the person detained shall be properly taken care of and shall be prevented from doing injury to himself or to any

other person, may make an order that the person so detained may be delivered to such relative or friend.

Whenever such person is so delivered over, it shall be upon condition that he shall be subject to the inspection of such officer as the Local Government thinks necessary to appoint, and at such times as such Government directs.

The provisions of section 384 shall apply to persons detained under the provisions of this section, and the certificate of the inspecting officer appointed under this section shall have the same effect as a certificate of the officer in charge of the jail, or the Visitors of Lunatic Asylums under the said section.

## CHAPTER II.—*Contempt.*

**387.** When any such offence as is described procedure in certain cases of contempt, 180 or 228 of the Indian Penal Code, is committed in the view or presence of any Civil, Criminal, or Revenue Court, the Court may cause the offender, whether he be a European British subject or not, to be detained in custody; and, at any time before the rising of the Court on the same day, may take cognizance of the offence; and adjudge the offender to punishment by fine not exceeding two hundred rupees, or by imprisonment in the civil jail for a period not exceeding one month, unless such fine be sooner paid.

In every such case the Court shall record the facts constituting the contempt, with any statement the offender may make, as well as the finding and sentence.

If the Court, in any case, considers that a person accused of any offence above referred to should be imprisoned, or that a fine exceeding two hundred rupees should be imposed upon him, such Court, after recording the facts constituting the contempt, and the statement of the accused person as before provided, shall forward the case to a Magistrate, or, if the accused person be a European British subject, to a Justice of the Peace, and shall cause bail to be taken for the appearance of such accused person before such Magistrate or Justice of the Peace, or, if sufficient bail be not tendered, shall cause the accused person to be forwarded under custody to such Magistrate or Justice of the Peace.

If the case be forwarded to a Magistrate, he shall proceed to try the accused person in the manner provided by this Act for trials before a Magistrate, and such Magistrate may adjudge the offender to punishment, as provided in the section of the Indian Penal Code under which he is charged.

If the case be forwarded to a Justice of the Peace, he shall enquire into the circumstances, and shall have the same powers of punishing the offender as are vested by section 47 in a Justice of the Peace, and may deal with the offender in the same manner as is provided in that behalf in the said section.

If such Justice of the Peace considers the offence to require a more severe punishment than he is competent to award under the said section, he may commit the offender to the High Court.

In no case tried under this section shall any Magistrate adjudge imprisonment or a fine exceeding two hundred rupees for any contempt committed in his own presence against his own Court.

**388. When any Court has adjudged an offender to punishment, or forwarded him to a Magistrate or Justice of the Peace for trial for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may discharge the offender, or remit the punishment, on his submission to the order or requisition of such Court, or on apology being made to its satisfaction.**

**389. When any such offence as is described in chapter X of the Indian Penal Code, except sections 175, 178, 179 and 180, is committed in contempt of the lawful authority of any Civil, Criminal, or Revenue Court, by a European British subject,**

**Procedure when offender is a European British subject.**  
such offence shall be cognizable only by a Magistrate who is a Justice of the Peace, and such Magistrate shall have the same powers of punishment for such offence as are vested by section 47 in a Justice of the Peace, and may deal with the offender on conviction in the same manner as is provided in that behalf in the same section.

If such Magistrate considers the offence to require a more severe punishment than a Justice of the Peace is competent to award under the same section, he may commit the offender to the High Court.

## PART IX. PLEADING IN CRIMINAL CASES.

### CHAPTER I.—Of the Charge.

**390. The charge shall describe the imputed offence as nearly as possible in the language of the Indian Penal Code, and shall refer to the section under which such offence is punishable.**

**391. Every charge shall be understood to assume, and no charge shall allege, the absence of circumstances showing that the case does not come within any of the general exceptions contained in chapter IV of the Indian Penal Code.**

**Assumption of absence of general exceptions under Penal Code.**  
Evidence as to general exceptions.

**392. The burden of proving the existence of such circumstances shall be upon the person accused.**

**393. When the**

**Special ground of exception from absence of circumstances not to be assumed.**

of circumstances constituting such exception so contained in the section, without a distinct denial of the existence of such circumstances.

**Charge may contain several heads.**

**394. The charge may contain one or more heads.**

**395. When a charge contains one head only,**

**Forms of charge.** the form shall be as follows, or to the same effect:

(a.) I, A [name and office of Magistrate, &c.,] declare that there is hereby made against Z the charge—

(b.) That he, on or about the day of On Penal Code section of at , waged war against the Queen, and

that he has thereby committed an offence punishable under section 121 of the Indian Penal Code, and within the cognizance of the Court of Session.

(d.) And I hereby direct that Z be tried by the said Court on the said charge.

[Signature and Seal of the Magistrate.]

To be substituted for (b),

(2.) That he, on or about the day of On section 124, at , with the intention of inducing the Honourable A. B., a Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under section 124 of the Indian Penal Code, and within the cognizance of the Court of Session.

(3.) That he, being a public servant in the Department, directly

On section 161. accepted from [state the name] for another party [state the name] a gratification, other than legal renumeration, as a motive for his, the said Z's forbearing to do an official act, and that he has thereby committed an offence punishable under section 161 of the Indian Penal Code, and within the cognizance of the Court of Session.

(4.) That he, on or about the

On section 304. at , committed culpable homicide not amounting to murder, causing the death of , and that he has thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session.

(5.) That he, on or about the day of

On section 306. at , abetted the commission of suicide by A. B., a person in a state of intoxication, and that he has thereby committed an offence punishable under section 306 of the Indian Penal Code, and within the cognizance of the Court of Session.

(6.) That he, on or about the

On section 325. at , voluntarily caused grievous hurt to , and that he has thereby committed an offence punishable under section 325 of the Indian Penal Code, and within the cognizance of the Court of Session.

(7.) That he, on or about the day of

On section 392. at , committed robbery, and that he has thereby committed an offence punishable under section 392 of the Indian Penal Code, and within the cognizance of the Court of Session.

(8.) That he, on or about the day of

On section 395. at , committed dacoity, and that he has thereby committed an offence punishable under section 395 of the Indian Penal Code, and within the cognizance of the Court of Session.

And the same form shall be followed, as nearly as may be, in charges with one head only, under other sections of the Indian Penal Code.

**396. When it appears to the Magistrate that the facts which can be established in evidence show within several sections a case falling within two or more sections of the Indian Penal Code, the charge shall contain two or more heads, each of which shall be applicable to one of such sections.**

## 397. When it appears to the Magistrate that

Charge where several offences punishable under one section.

the facts which can be established in evidence show the commission of two or more offences falling within the same section of the Indian Penal Code, the charge shall contain two or more heads charging such offences respectively.

## 398. When it appears to the Magistrate that

Charge in case of doubt as to section applicable, or offence proveable.

the facts which can be established in evidence show a case falling within some one of two or more sections of the Indian Penal Code, but it is doubtful which of such sections will be applicable,

or show the commission of one of two or more offences falling within the same section of the said Code, but it is doubtful which of such offences will be proved,

the charge shall contain two or more heads, framed respectively under each of such sections, or charging respectively each of such offences accordingly.

Forms of charge containing several heads.

399. When a charge contains more heads than one, the form shall be as follows, or to the same effect:

1, A [name and office of Magistrate or other officer as aforesaid, &c.] declare that there is hereby made against Z the charge—

*First* :—That he, on or about the day of On Penal Code, sections 241 and 242, at , knowing a coin to be counterfeit, delivered the

same to another person, by name A. B., as genuine, and that he has thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session.

*Secondly* :—That he, on or about the day of at , knowing a coin to be counterfeit, attempted to induce another person, by name A. B., to receive it as genuine, and that he has thereby committed an offence punishable under section 242 of the Indian Penal Code, and within the cognizance of the Court of Session.

And I hereby direct that Z be tried by the said Court on the said charge.

[Signature and Seal of the Magistrate.]

*First* :—That he, on or about the day of On sections 302 and 304, at , committed murder by causing the death of , and

that he has thereby committed an offence punishable under section 302 of the Indian Penal Code, and within the cognizance of the Court of Session.

*Secondly* :—That he, on or about the day of at , by causing the death of , committed culpable homicide, and that he has thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session.

*First* :—That he, on or about the day of On sections 379 and 382, at , committed theft, and that he has thereby committed an offence punishable under section 379 of the Indian Penal Code, and within the cognizance of the Court of Session.

*Secondly* :—That he, on or about the day of at , committed theft, having made preparation for causing death to a person in order to the committing of such theft, and that he has

thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

*Thirdly* :—That he, on or about the day of at , committed theft, having made preparation for causing restraint to a person in order to the effecting of his escape after the committing of such theft, and that he has thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

*Fourthly* :—That he, on or about the day of at , committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and that he has thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

And the same form shall be followed, as nearly as may be, in charges with more heads than one, under other sections of the Indian Penal Code.

400. Any Court before which a trial is held *Amendment of charge*. may, at any stage of the trial, amend or alter the charge.

401. If the amendment or alteration is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused

When trial may proceed immediately after amendment. person in his defence, it shall be at the discretion of the Court, after making the amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

402. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused person in his defence, the Court may either direct a new trial, or suspend the trial for such period as may be necessary to enable him to make his defence to the amended or altered charge; and, after hearing his defence, may further adjourn the trial, to admit of the appearance of any witness, whose evidence the Court may consider to be material to the case, or whom the accused person may wish to be summoned in his defence.

403. In all cases of amendment or alteration Defendant may recall of a charge, the accused witness. person shall be allowed to recall and examine any witness who may have been examined.

404. A person who has once been tried for an offence and convicted of an offence, or acquitted not to be quitted of such offence, shall not be liable to be tried again for the same offence:

Provided that any person may be tried for the offence of culpable homicide and punished for that offence, notwithstanding he may have been tried and punished for the act which caused the death, if at the time of his conviction for the said act death has not resulted, or has not been known by the Court which passed sentence to have resulted.

405. If upon the trial of any person charged with the offence of criminal breach of trust under section 405 of the Indian Penal Code,

or of criminal breach of trust as a carrier, wharfinger or warehouse-keeper under section 407 of the said Code,

it is proved that such person took the property in question in any such manner as to amount to the offence of theft under section 378 of the said Code, he shall not be entitled to be acquitted.

But the Court, or the jury in a case tried by jury, may find that such person is not guilty of the offence charged, but is guilty of the said offence under the said section 378.

Thereupon such person shall be liable to be punished in the same manner as if he had been found guilty upon a charge under the said section 378.

**406. If upon the trial of any person charged**

Person charged with the offence of criminal breach of trust as a clerk or servant under section 408 of the Indian Penal Code, it is proved that he took the property in question in any such manner as to amount to

the offence of theft under section 378 of the said Code,

or the offence of theft as a clerk or servant of property in possession of his master under section 381 of the said Code,

he shall not be entitled to be acquitted, but the Court, or the jury in a case tried by jury, may find that he is not guilty of the offence charged, but is guilty of the said offence under the said section 378, or section 381, as the case may be.

Thereupon he shall be liable to be punished in the same manner as if he had been found guilty upon a charge under such section.

**407. If upon the trial of any person charged**

Person charged with the offence of theft under section 378 of the Indian Penal Code, or the offence of theft in a building, tent or vessel under section 380 of the said Code, it is proved that he took the property in question in any such manner as to amount to

the offence of dishonest misappropriation of property under section 408 of the said Code,

or the offence of criminal breach of trust under section 405 of the said Code,

he shall not be entitled to be acquitted, but the Court, or the jury in a case tried by jury, may find that he is not guilty of the offence charged, but is guilty of the said offence under the said section 408, or section 405, as the case may be.

Thereupon he shall be liable to be punished in the same manner as if he had been found guilty upon a charge under such section.

**408. If upon the trial of any person charged**

Person charged with theft as a servant may be found guilty of misappropriation or breach of trust.

the Indian Penal Code, it is proved that he took the property in question in any such manner as to amount to any of the following offences:—

dishonest misappropriation of property under section 408 of the said Code,

dishonest misappropriation of property possessed by a deceased person at the time of his death under section 404 of the said Code,

such dishonest misappropriation under the said section 404, the offender being at the time of the person's decease employed by him as a clerk or servant,

criminal breach of trust under section 405 of the said Code,

criminal breach of trust as a clerk or servant under section 408 of the said Code,

he shall not be entitled to be acquitted, but the Court, or the jury in a case tried by jury, may find that he is not guilty of the offence charged, but is guilty of the offence under the said section 403, section 401, section 405 or section 408, as the case may be.

Thereupon he shall be liable to be punished in the same manner as if he had been found guilty upon a charge under such section.

**409. No person charged and tried for an**

No person convicted under the last four sections to be charged on the last four sections mentioned, and found guilty

of another offence under the provisions of any other of the said sections of the Indian Penal Code, shall be liable to be afterwards prosecuted upon the same facts under the section under which he was charged, or under the section under which he was found guilty.

**410. In trials before a Court of Session,**

Withdrawal of re- when more charges than one are preferred against the victim on one of several same facts, and when a charge.

conviction has been had on one or more of them, the Government Pleader or other officer conducting the prosecution may, with the consent of the Court, withdraw, or the Court of its own accord may suspend, the enquiry into the remaining charge or charges.

**CHAPTER II.—Of the Finding, Judgment and Sentence.**

**411. When the trial in any Criminal Court is**

Judgment to specify concluded, the Court, in passing judgment, if the offence.

accused person be convicted, shall distinctly specify the offence of which, and the section of the Indian Penal Code under which, he is convicted;

or if it be doubtful under which of two sections the offence falls, shall distinctly express the same, and pass judgment in the alternative.

pass judgment in the alternative, according to section 72 of the said Code.

**412. The finding and sentence shall be recorded in one of the following forms, or to the same effect:—**

*In trials by Jury:—*

(A.)—*When the jury are unanimous:*

The jury are unanimous in finding that Z is guilty of the offence specified in the charge, namely, that Z has waged war against the Queen, and has thereby committed an offence punishable under section 121 of the Indian Penal Code; and the Court directs that the said Z be [sentence.]

**2nd.**—The jury are unanimous in finding that *Z* is not guilty of the offence specified in the charge, namely, that *Z* has waged war against the Queen, and has thereby committed an offence punishable under section 121 of the Indian Penal Code; and the Court directs that the said *Z* be discharged.

**(B).**—When the jury are not unanimous, but such a majority as is required by section 217 concur in finding the accused guilty:

**3rd.**—A majority (stating the number, consisting of four out of five, or five or six out of seven, or six, seven, or eight out of nine, as the case may be) find that *Z* is guilty of the offence specified in the charge, namely, that *Z* has, with the intention of inducing the Honourable *A. B.*, a Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under section 124 of the Indian Penal Code. The Court directs that the said *Z* be [sentence.]

**(C).**—When the jury are not unanimous, but such a majority as is required by section 217 concur in finding the accused not guilty:

**4th.**—A majority of the jury (stating the number, as above) find that *Z* is not guilty of the offence specified in the charge, namely, that *Z* has, with the intention of inducing the Honourable *A. B.*, a Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under section 124 of the Indian Penal Code. The Court directs that the said *Z* be discharged.

**(D).**—When the jury, or such a majority as is required by section 217, concur in finding the accused guilty of an offence, but are doubtful under which of two heads of a charge the offence falls:

**5th.**—The jury, or a majority of the jury (stating the number, as above) find that *Z* is guilty, either of the offence specified in the first head of the charge, or of the offence specified in the second head of the charge, namely, that *Z* has either committed theft, and has thereby committed an offence punishable under section 379 of the Indian Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under section 406 of the said Code. The Court directs that, under the provisions of the above-mentioned sections, and the provisions of section 72 of the Indian Penal Code, the said *Z* be [sentence.]

**(E).**—When a majority less than the number required by section 217 find the accused guilty:

**6th.**—A majority of not less than two-thirds of the jury (stating the number, as above) with the concurrence of the Judge, find that *Z* is guilty of the offence specified in the charge, namely, that he has committed, &c., &c. The Court directs that the jury be discharged, and that there be a new trial.

A similar form shall be followed if a verdict of not guilty is found by a majority less than is required by section 217.

**(F).**—In trials with Assessors:

**7th.**—The Court, concurring with the assessors (or one or more of the assessors), finds that *Z* is guilty of the offence specified in the charge,

namely, that *Z* has committed the offence of rioting, and has thereby committed an offence punishable under section 147 of the Indian Penal Code; and the Court directs that the said *Z* be [sentence.]

**8th.**—The Court, differing from the assessors, finds that *Z* is not guilty of the offence specified in the charge, namely, that *Z* has committed the offence of rioting, and has thereby committed an offence punishable under section 147 of the Indian Penal Code; and the Court directs that the said *Z* be discharged.

**9th.**—The Court, concurring with one of the assessors, finds that *Z* is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge, namely, that *Z* has either committed theft, and has thereby committed an offence punishable under section 379 of the Indian Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under section 406 of the Indian Penal Code; and the Court directs that, under the provisions of the above-mentioned sections, and the provisions of section 72 of the Indian Penal Code, the said *Z* be [sentence.]

In trials upon a formal charge, without jury or the aid of assessors:

**10th.**—The Court finds that *Z* is guilty of the offence specified in the charge, namely, that *Z* has committed theft, and has thereby committed an offence punishable under section 379 of the Indian Penal Code; and the Court directs that the said *Z* be [sentence.]

**11th.**—The Court finds that *Z* is not guilty of the offence specified in the charge, namely, that *Z* has committed theft, and has thereby committed an offence punishable under section 379 of the Indian Penal Code; and the Court directs that the said *Z* be discharged.

In trials in which no formal charge has been prepared:

**12th.**—The Court finds that *Z* has used criminal force, and has thereby committed an offence punishable under section 358 of the Indian Penal Code, and directs that the said *Z* be [sentence.]

**13th.**—The Court finds that the complaint of assault is not proved, acquits *Z*, and directs that he be discharged.

**413.** Every sentence or final order of a Criminal Court, together with the language of sentence, reasons for making or passing the same, shall be written in the vernacular language of the presiding officer, and shall be dated and signed by such officer at the time of his making or passing the same.

The original shall be filed with the record of proceedings, and a translation thereof, where the original is recorded in a different language from that in ordinary use in proceedings before such officer, shall be incorporated in the record of the sentence or order.

**414.** If the vernacular language of the presiding officer is not English, and he is sufficiently conversant with the English language to be able to write the sentence or final order in a clear and intelligible manner in that language, and prefers to write the same in that

language, the sentence or final order may be written in English.

**CHAPTER III.—Prosecutions in certain Cases.**

**415.** A charge of an offence punishable under Prosecutions for certain offences against the State, Penal Code, except section 127, shall not be entertained by any Court, unless the prosecution be instituted by order of, or under authority from, the Governor General of India in Council, or the Local Government, or some officer empowered by the Governor General in Council to order or authorize such prosecution, or unless instituted by the Advocate General.

**416.** A charge of an offence punishable under Prosecution of Judges and public servants chapter IX of the Indian Penal Code, of which any Judge or any public servant

not removable from his office without the sanction of the Government, is accused as such Judge or public servant, shall not be entertained against such Judge or public servant, except with the sanction or under the direction of the Local Government, or of some officer empowered by the Local Government, or of some Court or other authority to which such Judge or public servant is subordinate, and whose power so to sanction or direct such prosecution the Local Government shall not think fit to limit or reserve.

**417.** A charge of any offence described in Prosecution for contempt of the lawful authority of public servants chapter X of the Indian Penal Code, not falling within section 163, shall not be entertained in any Criminal Court, except with the sanction or on the complaint of the public servant concerned, or of his official superior.

The prohibition contained in this section shall not apply to the offences described in sections 189 and 190 of the Indian Penal Code.

**418.** A charge of an offence against public justice, described in section 193, 194, 195, 196, 199, 200, 205, 206, 207, 208, 209, 210, 211 or 228 of the Indian Penal Code, when such offence is committed before or against a Civil or Criminal Court, shall not be entertained in the Criminal Courts, except with the sanction of the Court before or against which the offence was committed, or of some other Court to which such Court is subordinate.

Such sanction may be given at any time.

**419.** A charge of an offence relating to documents described in section 463, 471, 475 or 476 of the Indian Penal Code, when the document has been given in evidence in any proceedings in any Court of Justice, shall not be entertained against a party to such proceedings, except with the sanction of the Court in which the document was given in evidence, or of some other Court to which such Court is subordinate.

Such sanction may be given at any time.

**420.** When any Court, Civil or Criminal, is of opinion that there is sufficient ground for investigating any charge mentioned in the last three preceding sections.

sections, the Court, after making such preliminary enquiry as may be necessary, may send the case for investigation to any Magistrate having power to try or commit for trial the accused person for the offence charged.

Such Magistrate shall thereupon proceed according to law, and the Court may send the accused person in custody or take sufficient bail for his appearance before such Magistrate, and may bind over any person to appear and give evidence on such investigation.

**421.** A Court of Session may charge a person for any such offence committed before it or under its own cognizance if the offence committed before it be triable by the Court of Session exclusively, and may commit or hold to bail and try him upon its own charge.

In such case the Court of Session shall have the same power of summoning and causing the attendance at the trial of any witnesses for the prosecution or for the defence as is vested in a Magistrate by this Act.

Such Court may direct the Magistrate to cause the attendance of such witnesses on the trial.

**422.** In any case triable by the Court of Session exclusively, any Civil Court before which any such offence was committed may, instead of sending the case for investigation to a Magistrate, complete the investigation itself, and commit or hold to bail the accused person to take his trial before the Court of Session.

For the purposes of investigation under this section, the Civil Court may exercise all the powers of a Magistrate.

**423.** When any such commitment is made by order of a Civil Court, the Court shall frame a charge in the manner hereinafter provided, and shall send the same with the order of commitment and the record of the case to the Magistrate of the District or other officer exercising any of the powers of a Magistrate, and such Magistrate or other officer as aforesaid shall bring the case before the Court of Session, together with the witnesses for the prosecution and defence.

**424.** Whenever any Court of Justice commits or holds to bail any person for trial under the last three preceding sections, it may also bind over any person to give evidence, and for that purpose may exercise all the powers of a Magistrate.

**425.** If any such offence, triable by the Court of Session exclusively, be committed before a Magistrate not empowered to commit for trial before a Court of Session, he shall send the case to a Magistrate competent to make such commitment, who shall proceed to pass such order in the case as he thinks fit.

**426.** A charge of an offence under section 487 of the Indian Penal Code shall not be instituted, except by the husband of the woman.

**427.** A charge of an offence under section 498 of the Indian Penal Code shall not be instituted, except by the husband of the woman or by the person having care of such woman on behalf of her husband.

## PART X.

### PREVENTIVE JURISDICTION OF MAGISTRATES.

#### CHAPTER I.—*Of Security for keeping the Peace.*

**428.** Whenever a person charged with rioting, assault, or other breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, is convicted of such charge before any Court of Session or the Magistrate of the District or a Magistrate in charge of a division of a District or other officer exercising the powers of a Magistrate,

and the Court or Magistrate or other officer as aforesaid by which or by whom the accused person is convicted, or the Court or Magistrate or other officer as aforesaid by which or by whom the final sentence or order in the case is passed, is of opinion that it is just and necessary to require a personal recognizance for keeping the peace from the person so convicted,

the Court or Magistrate or other officer as aforesaid so convicting the accused person, or so passing the final sentence or order as aforesaid, may, in addition, direct that the person so convicted be required to execute a formal engagement, in a sum proportionate to his condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding one year if the sentence or order be passed by a Magistrate, or three years if the sentence or final order be passed by a Court of Session :

If the accused person be sentenced to imprisonment, the period for which he may be required to execute a recognizance shall commence when he is released.

When any accused person is convicted of any offence specified in this Where convicting section by an officer not officer has not power exercising the powers of a Magistrate. Magistrate, such officer, if he consider it just and necessary to require a personal recognizance for keeping the peace from the person so convicted, shall report the case to the Magistrate of the District, or other officer exercising the powers of a Magistrate to whom such officer is subordinate, who shall deal with the case as if the conviction had been before himself.

**429.** Whenever it appears necessary to require security to keep the security for keeping the peace, in addition to the personal recognizance of the party so convicted, the Court or Magistrate or other officer as aforesaid, empowered to require a personal recognizance, may require security in addition thereto and fix the amount of the security bond to be

executed by the surety or sureties; with a provision that, if the same be not given, the party required to find the security shall be kept in custody for any time not exceeding one year if the order be passed by the Magistrate of the District or other officer exercising the powers of a Magistrate, or three years if the order be passed by the High Court or by a Court of Session.

**430.** The Magistrate of the District or other

Summons to any person to show cause why he should not give bond to keep peace.

officer exercising the powers of a Magistrate, whenever he receives credible information that any person, whether a European British subject or not, is likely to commit a breach of the peace, or to do any act that may probably occasion a breach of the peace, may summon him to attend at a time and place mentioned in the summons, to show cause why he should not be required to enter into a bond to keep the peace with or without sureties as such Magistrate thinks fit.

**431.** The summons shall set forth the substance of the information, the Form of summons. amount of the bond, and the term for which it is to be in force, and, if security is called for, the number of sureties required, and the amount in which they are to be bound respectively.

Such summons shall be served in the manner provided by this Act for the service of a summons on an accused person.

**432.** The bond shall be in the Form (D) given in the appendix or to the Penalty of bond. like effect, and its penalty shall be fixed with a due regard to the circumstances of the case and the means of the party.

The amount in which the sureties shall be bound shall not exceed the penalty.

**433.** If the person summoned does not attend Warrant of arrest. on the day appointed, the Magistrate or other officer as aforesaid, if satisfied that the summons has been duly served, may issue a warrant for his arrest :

Provided that, whenever it appears to the Magistrate or other officer as aforesaid, upon the report of a Police officer or upon other credible information (the substance of which report or information shall be recorded), that there is just reason to fear the commission of a breach of the peace, which may probably be prevented by the immediate arrest of any person, the Magistrate or other officer may at any time issue a warrant for his arrest.

**434.** The Magistrate or other officer as aforesaid may, if he see sufficient cause, dispense with the personal attendance of the person informed against. and permit him to appear and enter into the required security, or show cause against such requisition, by an agent duly authorized to act in his behalf.

**435.** If on the appearance of the person informed against, or of his Discharge of person agent, if he is permitted to appear by agent, the Magistrate or other officer as aforesaid is not satisfied that there is occasion to bind such person to keep the peace, the Magistrate or other officer as aforesaid shall direct his discharge.

**436. If the Magistrate or other officer as aforesaid is satisfied that it is necessary for the preservation of the peace to take a bond from such person with or without security, he shall make an order accordingly; and if the person fails to comply with the order, the Magistrate or other officer as aforesaid may commit him to jail.**

Non-compliance with order to give bond.

Time for which person other officer as aforesaid may be bound to keep the peace with or without security, shall not exceed one year.

When a person is committed to jail under section 436, he shall not be detained by authority of the Magistrate or other officer as aforesaid beyond the term of one year, and shall be released whenever within that term he complies with the order.

**438. Whenever it appears to the Magistrate or other officer as aforesaid that it is necessary for the preservation of the peace to bind a person beyond the term of one year, he may, before the expiration of the first year, record his opinion to that effect and the grounds thereof, and may refer the case for the orders of the Court of Session.**

Extension of time for which person may be bound.

Such Court, after examining the proceedings of the Magistrate or other officer as aforesaid and making such further enquiry as it thinks necessary, may, if it see cause, authorize the Magistrate or other officer as aforesaid to extend the term for a further period not exceeding one year.

If the person fails to give a bond, with security if required, for his keeping the peace for such further period as the Magistrate or other officer as aforesaid directs under the orders of the Court of Session, he may be kept in confinement for such further period or until within that period he gives such bond.

**439. The Magistrate or other officer as aforesaid may, if he see sufficient cause, discharge any recognizance and surety for keeping the peace taken under the preceding sections, and may order the release of the person confined for default in entering into such recognizance or giving such security.**

Discharge of recognizances.

recognizance and surety for keeping the peace taken under the preceding sections, and may order the release of the person confined for default in entering into such recognizance or giving such security.

**440. A surety for the personal appearance of another person may at any time apply to the Magistrate or other officer as aforesaid, to be relieved from his engagement as surety.**

Discharge of sureties.

time apply to the Magistrate or other officer as aforesaid, to be relieved from his engagement as surety.

On such application being made, the Magistrate shall issue his summons or warrant in order that the person for whom such surety is bound may appear or be brought before him.

On the appearance of the person to such warrant or on his voluntary surrender, the Magistrate or other officer as aforesaid shall direct the engagement of the surety to be cancelled, and shall call upon such person to give fresh security, and in default thereof shall commit him to custody.

**441. Whenever it is proved before the Magistrate or other officer as aforesaid that any recognizance or other bond taken under this chapter has been forfeited, he shall record the**

grounds of such proof, and shall call upon the person bound by the bond to pay the penalty thereof, or to show cause why it should not be paid.

If sufficient cause be not shown and the penalty be not paid, the Magistrate or other officer as aforesaid shall proceed to recover the same by the attachment and sale of any of the moveable property belonging to the person bound thereby which is found within the jurisdiction of the Magistrate of the District.

If the penalty be not paid and cannot be recovered by such attachment and sale, the party shall be liable to imprisonment by order of the Magistrate or other officer as aforesaid in the civil jail for a period not exceeding six months.

**442. Whenever it is proved before the Magistrate or other officer as aforesaid that any bond with a surety has been forfeited,**

the Magistrate or other officer as aforesaid may at his discretion give notice to the surety to pay the penalty to which he has thereby become liable, or to show cause why it should not be paid.

If no sufficient cause is shown, and the penalty is not paid, the Magistrate or other officer as aforesaid may proceed to recover payment of the penalty from such surety in the same manner as from the principal party.

## CHAPTER II.—*Of Security for Good Behaviour.*

**443. Whenever it appears to the Magistrate**

of the District or to an officer exercising the powers of a Magistrate that any person is lurking within his jurisdiction not having any ostensible means of subsistence, or who cannot give a satisfactory account of himself, such Magistrate or other officer as aforesaid may require security for his good behaviour for a period not exceeding six months.

**444. Whenever it appears to such Magistrate**

or other officer as aforesaid, from the evidence as to general character adduced before him, that any person is by repute a robber, house-breaker, or thief,

or a receiver of stolen property, knowing the same to have been stolen,

such Magistrate or other officer as aforesaid may require security for his good behaviour for a period not exceeding one year.

**445. Whenever it appears to such Magistrate**

Procedure where seen. or other officer as aforesaid, from the evidence as to general character adduced before him, that any person is by habit a robber, house-breaker, or thief,

or a receiver of stolen property, knowing the same to have been stolen,

or of a character so desperate and dangerous as to render his release, without security, at the expiration of the limited period of one year, hazardous to the community,

the Magistrate or other officer as aforesaid shall record his opinion to that effect, with an order specifying the amount of security which should, in his judgment, be required from such person, as well as the number of sureties, and the period, not exceeding three years, for which the sureties should be responsible for such person's good behaviour.

**446.** If the person so required to furnish security, does not furnish the same, the proceedings shall be laid, as soon as conveniently may be, before the Court of Session.

Such Court, after examining them and requiring any further information or evidence which it judges necessary, may pass orders on the case, either confirming, modifying or annulling the orders of the Magistrate or other officer as aforesaid as it judges proper.

**447.** If the Court of Session does not think it safe to direct the immediate discharge of such person, it shall fix a limited period for his detention, not exceeding three years, in the event of his not giving the security required from him.

**448.** Whenever security for good behaviour is required by the Court of Session or the Magistrate or other officer as aforesaid, the amount of the security, the number of sureties, and the period of time for which the sureties are to be responsible for the good conduct of the person required to furnish security, shall be stated in the order.

The security-bond shall be in the Form (F) given in the appendix, or to the like effect.

**449.** In the event of any person required to give security under the provisions of the foregoing sections, failing to furnish the security so required, he shall be committed to prison until he furnish the same.

Provided that no such person shall be kept in prison for a longer period than that for which the security has been required from him.

Imprisonment under this section may be rigorous or simple, as the Court of Session in each case directs.

**450.** The Magistrate of the District or other officer exercising the powers of a Magistrate is empowered, at any time, to exercise his discretion in releasing, without reference to any other authority, any prisoner confined under requisition of security for good behaviour, whether by his own order or by the order of any officer subordinate to him, provided he is of opinion that such person can be released without hazard to the community.

**451.** Whenever a Magistrate or other officer as aforesaid is of opinion that any person confined under requisition of security by order of Court of Session,

a Court of Session, can be safely released without such security, the Magistrate or other officer as aforesaid shall make an immediate report of the case for the orders of the Court which shall have required the person to furnish the security.

**452.** A surety for the good behaviour of a person may at any time apply Discharge of surety. to the Magistrate or other officer as aforesaid to be relieved from his engagement as surety.

On such application being made, the Magistrate or other officer as aforesaid shall issue his summons or warrant in order that such person may appear or be brought before him.

On the appearance of such person pursuant to the warrant or on his voluntary surrender, the Magistrate or other officer as aforesaid shall direct the engagement of the surety to be cancelled, and shall call upon the person so appearing or surrendering to give fresh security, and, in default thereof, shall commit him to custody.

**453.** Whenever the Magistrate or other officer as aforesaid is of opinion Recovery of penalty from sureties. that, by reason of an offence proved to have been committed by the person for whose good behaviour security has been given, subsequent to his having given such security, proceedings should be had upon the bond executed by the surety, he shall give notice to the surety to pay the penalty, or to show cause why it should not be paid.

If no sufficient cause be shown, the Magistrate or other officer as aforesaid shall proceed to recover the penalty from such surety by the attachment and sale of any moveable property belonging to him which may be found within the jurisdiction of the Magistrate of the District.

If the penalty be not paid, and cannot be recovered by such attachment and sale, the surety shall be liable to imprisonment by order of the Magistrate or other officer as aforesaid in the civil jail, for a period not exceeding six months.

**454.** The provisions of sections 431 and 433 relating to the issue of summons and warrants of arrest for securing the personal attendance of the party informed against, shall apply to proceedings taken under this chapter against persons required to give security for their good behaviour.

**455.** Any evidence taken under Part X, chapter I or this chapter, shall be taken as in cases usually heard by a Magistrate upon summons.

### CHAPTER III.—Local Nuisances.

**456.** Any Magistrate, by a written order, may direct any person to abstain from a certain act, or to take certain order with certain property in his possession, or under his management, whenever such

Magistrate considers that such direction is likely to prevent, or tends to prevent,

obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed,

or danger to human life, health, or safety, or a riot or an affray.

**457. Any Magistrate may enjoin any person**

Magistrate may prohibit repetition of, or continuance of public nuisance as defined in section 268 of the Indian Penal Code.

No appeal shall lie from an order made under this section.

**458: Whenever the Magistrate of a District**

Magistrate may order removal of nuisance, consider that any unlawful obstruction or nuisance should be removed from any thoroughfare or public place,

or that any trade or occupation, by reason of its being injurious to the health or comfort of the community, should be suppressed or should be removed to a different place,

or that the construction of any building or the disposal of any combustible substance, as likely to occasion conflagration, should be prevented,

or that any building is in such a state of weakness that it is likely to fall, and thereby cause injury to persons passing by, and that its removal in consequence is necessary,

or that any tank or well adjacent to any public thoroughfare should be fenced in such a manner as to prevent danger arising to the public—

he may issue an order to the person causing such obstruction or nuisance, or carrying on such trade, or occupation, or being the owner or in possession of, or having control over, such building, substance, tank, or well as aforesaid, calling on him, within a time to be fixed in the order,

to remove such obstruction or nuisance,

or to suppress or remove such trade or occupation, or to stop the construction of such building, or to remove it,

or to alter the disposal of such substance,

or to fence such tank or well (as the case may be),

or to appear before himself or some other officer exercising the powers of a Magistrate or of a Subordinate Magistrate of the First Class within the time mentioned in the order, and show cause why such order should not be enforced.

**459. Such order shall, if practicable, be served**  
Service or notification personally on the person to whom it is issued.

But if personal service is found to be impracticable, the order shall be notified by proclamation, and a written notice thereof shall be stuck up at such place or places as may be best adapted for conveying the information to such person.

**460. The person to whom such order is issued**  
Person ordered shall be bound, within the time specified in the order, to obey the same or to appear before the Magistrate before whom he was

required by the order to appear to show cause as aforesaid, or he may apply to such Magistrate for an order for a jury to be appointed to try whether the order is reasonable and proper.

On receiving such application, the Magistrate shall forthwith appoint a Constitution of jury, consisting of an odd number of persons not less than five, of whom the foreman and one-half of the remaining members shall be nominated by such Magistrate, and the other members by the applicant.

The execution of the order shall be suspended pending such enquiry, and the Magistrate who issued the order shall be guided by the decision of the jury, which shall be according to the opinion of the majority.

If the applicant, by neglect or otherwise, prevents the appointment of a jury, or if from any cause neglect by jury, the jury so appointed does not decide and report within a reasonable time to be fixed in the order for the appointment, their functions shall cease from the date of the expiration of such period, unless they be continued by special order of the Magistrate.

If from any of the above causes no decision be made by the jury, the order of the Magistrate may be carried into effect as hereinafter provided.

**461. If the person to whom the order mentioned in section 458 is issued does not obey such order,**

or show cause against the same as hereinafter provided,

or apply for a jury within the time specified in such order,

he shall be liable to the penalty prescribed in that behalf in section 188 of the Indian Penal Code;

and the Magistrate who issued such order may proceed to carry it into execution at the expense of such person, and may realize such expenses, either by the sale of any building, goods, or other property removed by his order, or by the distress and sale of the moveable property of the person aforesaid.

No suit shall lie in respect of anything necessarily or reasonably done to give effect to such order.

**462. If in a case referred to a jury, the jury find that the order of the Magistrate is reasonable and proper, the Magistrate who issued the order shall give notice of such finding to the person to whom the order was issued, and shall add to such notice an order to obey the order first mentioned within a time to be fixed in the notice and an intimation that, in case of disobedience, he will be liable to the penalty provided by section 188 of the Indian Penal Code.**

If such latter order is not obeyed, the Magistrate may proceed as in section 461.

**463. If the person to whom the order of the Magistrate is issued appears and shows cause against it, so as to satisfy the Magistrate who issued it, that it is not reasonable and proper, no further proceedings shall be taken in the case.**

**464.** If, pending the enquiry by a jury, the Magistrate who issued the injunction pending enquiry by jury. order considers that immediate measures are necessary to be taken to prevent imminent danger or injury of a serious kind to the public, he may issue such an injunction to the person mentioned in that behalf in section 458, as is required to obviate or prevent such danger or injury.

In default of such person forthwith taking all necessary measures ordered to be taken by such injunction, the Magistrate may himself use or cause to be used such means as may be necessary to obviate such danger or to prevent such injury.

No suit shall lie in respect of anything necessarily or reasonably done for that purpose.

**465.** Nothing in this chapter shall interfere with the provisions of section XLVIII of Act No. XXIV of 1859 (*for the better regulation of the Police within the territories subject to the Presidency of Fort St. George*), or of section XXXIV of Act No. V of 1861 (*for the regulation of Police*), or of section XVI of Act No. VIII of 1867 of the Governor of Bombay in Council.

#### CHAPTER IV.—*Possession.*

**466.** Whenever the Magistrate of the District Magistrate how to or other officer exercising proceed if any dispute the powers of a Magistrate concerning land, &c., is is satisfied that a dispute, likely to cause breach of likely to induce a breach of the peace, exists concerning any land, houses, water, fisheries, crops or other produce of land, within the limits of his jurisdiction, he shall record a proceeding stating the grounds of his being so satisfied, and shall call on all parties concerned in such dispute to attend his Court, in person, or by agent, within a time to be fixed by the Magistrate or other officer as aforesaid, and to give in a written statement of their respective claims, as respects the fact of actual possession of the subject of dispute.

The Magistrate or other officer as aforesaid shall, Party in possession to without reference to the merits of the claims of any party to a right of possession, proceed to enquire and decide which party is in possession of the subject of dispute, or if the parties are in joint possession, what is the share of which each party is in possession.

After satisfying himself upon that point, he shall issue an order declaring the party or parties to be entitled to retain possession until ousted by due course of law, and forbidding all disturbance of possession until such time.

**467.** If the Magistrate or other officer as If previous possession aforesaid decides that neither cannot be ascertained, of the parties is in possession, Magistrate may attach or is unable to satisfy himself subject of dispute. as to which person is in possession, of the subject of dispute, he may attach it until a competent civil Court shall have determined the rights of the parties or who ought to be in possession.

**468.** If a dispute arises concerning the right of use of any land or water, Disputes concerning the Magistrate or other right of use of land or officer as aforesaid within whose jurisdiction the subject of dispute lies, may enquire into the matter; and if it appear to him that the subject of dispute is open to the use of the public, or of any person or of any class of persons, the Magistrate or other officer may order that possession thereof shall not be taken or retained by any one to the exclusion of the public, or of such person, or of such class of persons, as the case may be, until the person claiming such possession shall obtain the decision of a competent Court adjudging him to be entitled to such exclusive possession.

Provided that the Magistrate or other officer as aforesaid, shall not pass any such order if the matter be such that the right of use is capable of being exercised at all times of the year, unless that right has been ordinarily exercised within three months from the date of the institution of the enquiry, or, in cases where the right of use exists at particular seasons, unless such right has been exercised during the last of such seasons before the complaint.

**469.** Whenever a local enquiry is necessary Local enquiry to determine boundary dispute. to determine a boundary dispute or a contested right of possession, any officer exercising the full powers of a Magistrate, may depute any Assistant or other officer subordinate to him to make the enquiry, and may furnish him with such instructions, consistent with the law for the time being in force, as may seem necessary for his guidance, and may declare by whom the whole or any part of the necessary expenses of the enquiry shall be paid.

**470.** Nothing in this chapter shall affect the powers of a Collector or a person exercising the powers of a Collector or of a Revenue Courts.

#### CHAPTER V.—*Of the Maintenance of Wives and Families.*

**471.** If any person having sufficient means Order for maintenance of wives and children. neglects or refuses to maintain his wife or legitimate or illegitimate child unable to maintain himself, the Magistrate of the District or other officer exercising the powers of a Magistrate may, upon due proof thereof, order him to make a monthly allowance for the maintenance of his wife or such child at such monthly rate, not exceeding fifty rupees in the whole, as to the Magistrate or other officer as aforesaid seems reasonable.

If such person wilfully neglects to comply with Enforcement of order. this order, the Magistrate or other officer as aforesaid may, for every breach of the order, by warrant, direct the amount due to be levied in the manner provided for levying fines; or may order him to be imprisoned with or without hard labour for any term not exceeding one month:

Provided that, if such person offers to maintain his wife on condition of her Proviso. living with him, and his wife refuses to live with him, the Magistrate or other officer as aforesaid may consider any grounds of refusal stated by such wife; and may make the order allowed by this section notwithstanding such offer, if he is satisfied that such person is living in adultery, or that he has habitually treated his wife with cruelty.

No wife shall be entitled to receive an allowance from her husband under this section, if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband.

**472.** On the application of any person ordered to pay a monthly allowance Alteration in allow. under the provisions of section 471, and on proof of a change in the circumstances of such person, his wife, or child, the Magistrate may make such alteration in the allowance ordered as he deems fit.

## PART XI. MISCELLANEOUS PROVISIONS.

### Miscellaneous.

**473.** The procedure prescribed by this Act shall be followed, so far as it can be, in all miscellaneous criminal cases and proceedings which, after this Act comes into force, are instituted in any Court.

**474.** Nothing in this Act shall be held to alter Slavery of jurisdiction or affect the jurisdiction or of Presidency Police procedure of the Commissioner of Police, the Police Magistrates, or the Police of the Towns of Calcutta, Madras and Bombay, except so far as this Act expressly provides for the same.

Saving of jurisdiction and procedure of Land-holders, Heads of Villages, Village Police Officers, Cantonment Magistrates. **475.** Nothing in this Act shall be held to alter or affect (a) the jurisdiction, duties, or procedure of land-holders specially empowered according to law in the Presidency of Bombay,

(b) the jurisdiction or procedure of the Heads of Villages in the Presidency of Fort Saint George,

(c) the jurisdiction, duties, or procedure of Village Police Officers in the Presidency of Bombay,

(d) the jurisdiction or procedure of any officer duly authorized and appointed under the laws in force in the Presidencies of Fort Saint George and Bombay respectively, for the trial of petty offences in Military bazaars at cantonments and stations occupied by the troops of those Presidencies respectively.

## APPENDIX OF FORMS.

### A.

#### FORM OF SUMMONS (section 106).

To A. B., of

Whereas your attendance is necessary to answer a charge of (state shortly the offence charged); You are hereby required to appear in person or by

authorized agent, as the case may be, before the [Magistrate] of on the day of . Herein fail not.

(Signature and Seal.)

Dated the

day of

B.

#### FORM OF WARRANT (section 113).

To (name and designation of the person or persons who are to execute the warrant).

Whereas of stands charged with the offence of (state the offence); You are hereby directed to apprehend the said and produce him before me. Herein fail not.

(Signature and Seal.)

This warrant may be endorsed as follows:—

If the said shall give bail, himself in the sum of with one surety in the sum of (or two sureties each in the sum of ) to appear before me on the day of he may be released.

(Signature.)

Dated

C.

#### FORM OF WARRANT OF COMMITMENT (section 222).

To Jailer of

Whereas of is charged with (state the offence in respect of which the prisoner is charged, and the authority of the committing officer):

You are hereby required to receive the said into your custody in the said jail of and him there safely to keep until he shall be thence delivered by due course of law.

(Signature.)

Dated the day of

D.

#### FORM OF BOND TO KEEP THE PEACE (section 432).

Whereas I , inhabitant of have been called upon to enter into a bond to keep the peace for the term of , I hereby bind myself not to commit a breach of the peace or do any act that may probably occasion a breach of the peace during the said term; and in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees.

(Signature.)

Dated

#### FORM OF SECURITI TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

I hereby declare myself surety for the above-said that he shall not commit a breach of

the peace or do any act that may probably occasion a breach of the peace during the said term; and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the sum of rupees.

(Signature.)

Dated

E.

**FORM OF RECOGNIZANCE TO PROSECUTE OR GIVE EVIDENCE (sections 88 and 321).**

I \_\_\_\_\_ of \_\_\_\_\_ do hereby bind myself to appear at \_\_\_\_\_ in the Court of \_\_\_\_\_ at \_\_\_\_\_ o'clock on the \_\_\_\_\_ day of \_\_\_\_\_ next, and then and there to prosecute (or, as the case may be, to prosecute and give evidence, or to give evidence) in the matter of a charge of against one A. B.; and in case of my making default herein, I bind myself to forfeit to Her Majesty the sum of rupees.

F.

**FORM OF BOND FOR GOOD BEHAVIOUR (section 448).**

Whereas I \_\_\_\_\_ inhabitant of \_\_\_\_\_ have been called to enter into a bond to be of good behaviour to Her Majesty the Queen, and to all her subjects, for the term of \_\_\_\_\_

I hereby bind myself to be of good behaviour to Her Majesty and to all her subjects during the said term, and in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees.

Dated

**FORM OF SECURITY TO BE SUBDIVIDED TO THE BOND OF THE PRINCIPAL.**

I hereby declare myself surety for the above-said \_\_\_\_\_ that he shall be of good behaviour to Her Majesty and to all her subjects during the said term; and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the sum of rupees.

**SCHEDULE I.**

**ENACTMENTS REPEALED.**

**PART I.—STATUTE.**

| Year and Chapter.      | Title.   | Extent of repeal.                                      |
|------------------------|--|--|
| 53 Geo. III, cap. civ. | An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's Charter. | Section one hundred and two.                           |
| XXXVI of 1867.         | An Act to correct an error in Act No. XVII of 1862.  |  |
| VIII of 1869.          | An Act further to amend the Code of Criminal Procedure.  | The whole Act.   |
| XXVII of 1870.         | To amend a Indian Penal Code.  | Sections sixteen and seventeen, and the two schedules. |

**PART II.—ACTS.**

| Number and Year. | Subject or Title.   | Extent of repeal.                                      |
|------------------|---|--|
| XV of 1843.      | An Act for the more extensive employment of Uncommissioned Agency in the Judicial Department.   | Sections three, four, five and six.                    |
| XV of 1845.      | An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of Judicial and Revenue proceedings.                              | So much as has not been repealed.                      |
| XXIX of 1845.    | An Act to empower the Government of Bombay to appoint Joint Zillah Judges or Joint Session Judges.  | So much as has not been repealed.                      |
| I of 1849.       | An Act to provide more effectually for the punishment of offences committed in Foreign States.  | The whole Act.   |
| VII of 1853.     | An Act to extend the jurisdiction of Magistrates, under the 53rd Geo. III, Cap. 155, Section 105, in cases of assault, forcible entry, and other injuries accompanied with force, not being felonies. | The whole Act.   |
| X of 1854.       | An Act for regulating the powers of Assistants to Magistrates, and of Deputy Magistrates appointed under Act XV of 1843.  | So much as has not been repealed.                      |
| XX of 1861.      | An Act to make better provision for the appointment and maintenance of Police Chowky-dars in Cities, Towns, Stations, Suburbs and Bazaars in the Presidency of Fort William in Bengal.                | Section fifty-eight.                                   |
| XXV of 1861.     | An Act for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.   | So much as has not been repealed.                      |
| XVII of 1862.    | An Act to repeal certain Regulations and Acts relating to Criminal Law and Procedure.   | So much as has not been repealed.                      |
| XXVIII of 1867.  | An Act to remove doubts as to the legality of certain sentences passed by tribunals, called Petty Sessions Courts, in the North-Western Provinces.  | The whole Act.   |
| XXXVI of 1867.   | An Act to correct an error in Act No. XVII of 1862.   |  |
| VIII of 1869.    | An Act further to amend the Code of Criminal Procedure.   | The whole Act.   |
| XXVII of 1870.   | To amend a Indian Penal Code.   | Sections sixteen and seventeen, and the two schedules. |

PART III.—REGULATIONS.  
BENGAL REGULATIONS.

| Number and Year. | Title.  | Extent of repeal.  |
|------------------|---|--|
| IX of 1798 ...   | A Regulation for re-enacting with Alterations and Modifications, the Regulations passed by the Governor General in Council on the 3rd December 1790, and subsequent Dates, for the Apprehension and Trial of Persons charged with Crimes or Misdemeanors.                     | Sections three and thirty-four.  |
| XVI of 1810      | A Regulation to amend the existing Rules for the Appointment of Zillah and City Magistrates; to provide for the Appointment of Joint and Assistant Magistrates; and to alter the Provisions in force for the Payment of a fixed Reward on the Conviction of Public Offenders. | So much as has not been repealed.  |
| XVII of 1829     | A Regulation for declaring the practice of Suttee, or of Burning or Burying alive the Widows of Hindoos, illegal, and punishable by the Criminal Courts.  | Section three, clause one, from and including the words "and any zamindar" to the end of the clause.<br>Clauses two and three. |

## MADRAS REGULATIONS.

|                |  |                                |
|----------------|--|--------------------------------|
| IX of 1816 ... | A Regulation for reducing into one Regulation certain Rules which have been passed regarding the Office of the Zillah Magistrate, for modifying and defining his Powers, and for transferring the Office of Zillah Magistrate from the Judge to the Collector of the Zillah. | Sections three, four and five. |
| II of 1827 ... | A Regulation for constituting the Assistant Judges appointed under Regulation I, 1827, Joint Criminal Judges of the Zillahs in which they may be stationed, and for defining the Extent to which the Powers of Magistrate shall be exer-                                     | Section five.                  |

## PART III.—continued.

| Number and Year. | Title.  | Extent of repeal.  |
|------------------|---|--|
|                  | closed by Subordinate Collectors.   |  |
| VIII of 1827     | A Regulation for granting to Native Judges Jurisdiction in Criminal Cases.  | So much as has not been repealed.  |
| I of 1830 ...    | A Regulation for declaring the Practice of Suttee, or of burning or burying alive the widows of Hindoos, illegal, and punishable by the Criminal Courts.  | The preamble.<br>Section three, clause one, from "and any zamindar" to the end; clauses two and three. And sections four and five. |
|                  | BOMBAY REGULATIONS.   |  |
| XII of 1827      | A Regulation for the establishment of a system of Police throughout the Zillahs subordinate to Bombay, for providing Rules for its Administration, and for defining the Duties and Powers of all Police Authorities and Servants. | Section ten, clause four.  |
| XIII of 1827     | A Regulation for defining the Constitution of Courts of Criminal Justice, and the Functions and Proceedings thereof.  | Sections one, two, three, seven, eight, nine, fourteen, fifteen, clause one. Sections twenty-seven and twenty-eight.               |
| III of 1830      | A Regulation rescinding Regulations VIII. and XII. of 1828, and vesting the Criminal Judges with the Powers and Functions of Session Judges.  | Sections two and six.  |
| IV of 1830 ...   | A Regulation rescinding such Parts of Regulation XIII. of 1827 as vest the Criminal Judge with Police Jurisdiction of the Magistrate and his Assistants.  | Section two.   |

## SCHEDULE II.

*Explanatory Notes.—1st.*—The entries in the second and sixth columns of the schedule, headed respectively "Offence" and "Punishment" under the Indian Penal Code, are not intended as definitions of the offence and punishments described in the several corresponding sections of the Indian Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column.

*2nd.*—The term "Whether triable or not," in column five, is to be taken in connection with the provisions of sections 212 and 213 of this Code.

*3rd.*—Offences may be tried by a Court superior to the Court of Session may try an offence entered in column seven as triable by a Magistrate.

*4th.*—The words "Magistrate of the District," as used in column seven, shall include any officer exercising the powers of a Magistrate.

*5th.*—The words "any Magistrate," as used in column seven, shall include any Subordinate Magistrate of the first or second class.

*6th.*—In the territories in British India to which the General Regulations of Bengal, Madras and Bombay do not extend, the powers given by this Act shall be exercised by such Officers as the Local Government of those territories respectively shall appoint.

*7th.*—The last part of this schedule headed "Offences against other Laws" shall not be taken to alter or affect any special provision contained in such laws regarding the procedure to be followed in the case of offences made punishable thereby.

## CHAPTER V.—OF ABETMENT.

| 1        | 2   | 3   | 4  | 5  | 6   | 7   |
|----------|---|---|--|--|---|---|
| Offence. |   | Whether the Police may arrest without warrant or not.   | Whether a warrant or a summons shall ordinarily issue in the first instance. | Punishment under the Indian Penal Code.                      | Punishment under the Indian Penal Code.                         | By what Court triable.                                |
| 109      | Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.     | May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise. | According as the offence abetted is punishable or not.                       | The same punishment as for the offence abetted.              | The same punishment as for the offence abetted.                 | By the Court by which the offence abetted is triable. |
| 110      | Abetment of any offence if the person abetted does the act with a different intention from that of the abettor.                         | Ditto   | Ditto  | Ditto  | Ditto   | Ditto.  |
| 111      | When one act is abetted and a different act is done, subject to the provision.  | Ditto   | Ditto  | Ditto  | Ditto   | Ditto.  |
| 112      | When an effect is caused by the act abetted different from that intended by the abettor.  | Ditto   | Ditto  | Ditto  | Ditto   | Ditto.  |
| 113      | If abettor is present when offence is committed   | Ditto   | Ditto  | Ditto  | Ditto   | Ditto.  |
| 114      | Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abettor. | Ditto   | Not punishable   | Imprisonment of either description for seven years and fine. | Imprisonment of either description for fourteen years and fine. | Ditto.  |
| 115      | If an act which causes harm be done in consequence of the abettor.  | Ditto   | Ditto  | Ditto  | Ditto   | Ditto.  |

## CHAPTER V—OF ABETMENT—(continued).

| Section | Offence.   | 1 | 2 | 3   | 4<br>Whether a war-<br>rant or a mun-<br>ition shall or<br>directly issue<br>in the first in-<br>stance. | 5<br>Whether bailable<br>or not.                     | 6<br>Punishment under the Indian Penal<br>Code.   | 7<br>By what Court<br>triable. |
|---------|--|---|---|---|--|--|---|--------------------------------|
| 116     | Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.     |   |   | According as a warrant or summons may issue for the offence abetted without warrant, but not otherwise. | Ditto ...  | Ditto ...  | Imprisonment extending to one-fourth part of the longest term, and of any description provided for the offence, or fine, or both. | Ditto.                         |
| 117     | Abetting the commission of an offence by the public, or by more than ten persons.  |   |   | Ditto ...   | Ditto ...  | Ditto ...  | Imprisonment of either description for three years, or fine, or both.   | Ditto.                         |
| 118     | Concealing a design to commit an offence punishable with death, or transportation for life, if the offence be committed. |   |   | Ditto ...   | Ditto ...  | Not bailable ...                                     | Imprisonment of either description for seven years, and fine.   | Ditto.                         |
|         | If the offence be not committed  |   |   | Ditto ...   | Ditto ...  | Ditto ...  | Imprisonment of either description for three years, and fine.   | Ditto.                         |
| 119     | A public servant concealing a design to commit an offence, which it is his duty to prevent, if the offence be committed. |   |   | Ditto ...   | Ditto ...  | According as the offence abetted is bailable or not. | Imprisonment extending to one-half of the longest term, and of any description provided for the offence, or fine, or both.        | Ditto.                         |
|         | If the offence be punishable with death, or transportation   |   |   | Ditto ...   | Ditto ...  | Not bailable ...                                     | Imprisonment of either description for ten years.   | Ditto.                         |
|         | If the offence be not committed  |   |   | Ditto ...   | Ditto ...  | According as the offence abetted is bailable or not. | Imprisonment extending to one-fourth part of the longest term, and of any description provided for the offence, or fine, or both. | Ditto.                         |
| 120     | Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.                      |   |   | Ditto ...   | Ditto ...  | Ditto ...  | Imprisonment extending to one-fourth part of the longest term, and of any description provided for the offence, or fine, or both. | Ditto.                         |

| If not committed | Ditto | ... Ditto | ... Ditto | ... Ditto | ... Unprisonment extending to one-eighth part of the longest term, and of the description provided for the offence, or fine, or both. | ... Ditto. |
|------------------|-------|-----------|-----------|-----------|---|------------|
|------------------|-------|-----------|-----------|-----------|---|------------|

## CHAPTER VI—OFFENCES AGAINST THE STATE.

|        |   |                                   |           |                  |   |   |
|--------|---|-----------------------------------|-----------|------------------|---|---|
| 121    | Waging or attempting to wage war, or abetting the waging of war against the Queen.  | Shall not arrest without warrant. | Warrant   | ... Not bailable | Death, or transportation for life, and forfeiture of property.  | Court of Session.                               |
| 121 A. | Conspiring to commit certain offences against the State ...   | Ditto                             | ... Ditto | ... Ditto        | Transportation for life or any shorter term, or imprisonment of either description for ten years.                           | Ditto.  |
| 122    | Collecting arms, &c., with the intention of waging war against the Queen.   | Ditto                             | ... Ditto | ... Ditto        | Transportation for life, or imprisonment of either description for ten years, and forfeiture of property.                   | Ditto.  |
| 123    | Concealing with intent to facilitate a design to wage war ...   | Ditto                             | ... Ditto | ... Ditto        | Imprisonment of either description for ten years, and fine.   | Ditto.  |
| 124    | Assisting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.              | Ditto                             | ... Ditto | ... Ditto        | Imprisonment of either description for seven years, and fine.   | Ditto.  |
| 124 A. | Exciting, or attempting to excite, disaffection ...   | Ditto                             | ... Ditto | ... Ditto        | Transportation for life, or for any term and fine, or imprisonment of either description for three years and fine, or fine. | Ditto.  |
| 125    | Waging war against any Asiatic Power in alliance or at peace with the Queen, or abetting the waging of such war.            | Ditto                             | ... Ditto | ... Ditto        | Transportation for life and fine, or imprisonment of either description for seven years and fine, or fine.                  | Ditto.  |
| 126    | Committing depredation on the territories of any power in alliance or at peace with the Queen.                              | Ditto                             | ... Ditto | ... Ditto        | Imprisonment of either description for seven years, and fine and forfeiture of certain property.                            | Ditto.  |
| 127    | Receiving property taken by war or depredation, mentioned in Sections 125 and 128.  | Ditto                             | ... Ditto | ... Ditto        | ... Ditto   | Ditto.  |
| 128    | Public servant voluntarily allowing prisoner of State or War in his custody to escape.                                      | Ditto                             | ... Ditto | ... Ditto        | Transportation for life, or imprisonment of either description for ten years, and fine.                                     | Ditto.  |
| 129    | Public servant negligently suffering prisoner of State or War in his custody to escape.                                     | Ditto                             | ... Ditto | ... Bailable     | Simple imprisonment for three years, and fine.  | Court of Session or Magistrate of the District. |
| 130    | Aiding escape of, receiving, or harbouring such prisoner, or offering any assistance to the re-appearance of such prisoner. | Ditto                             | ... Ditto | ... Not bailable | Transportation for life, or imprisonment of either description for ten years, and fine.                                     | Court of Session.                               |

## CHAPTER VII—OFFENCES RELATING TO THE ARMY AND NAVY.

| 1<br>Section. | 2<br>Offence.   | 3                                 | 4<br>Whether a warrant or a summons shall or<br>otherwise issue in the first instance. | 5<br>Whether bailable or not. | 6<br>Punishment under the Indian Penal<br>Code.  | 7<br>By what Court<br>tried.                    |
|---------------|---|-----------------------------------|--|-------------------------------|--|---|
| 131           | Abetting mutiny, or attempting to seduce an officer, soldier, or sailor from his allegiance or duty.                      | May arrest without warrant.       | Warrant  | ...<br>Not bailable           | Transportation for life, or imprisonment of either description for ten years, and fine.          | Court of Session.                               |
| 132           | Abetment of mutiny if mutiny is committed in consequence thereof.   | Ditto                             | Ditto  | Ditto                         | Death or transportation for life, or imprisonment of either description for ten years, and fine. | Ditto.  |
| 133           | Abetment of an assault by an officer, soldier, or sailor on his superior officer when in the execution of his office.     | Ditto                             | Ditto  | Ditto                         | Imprisonment of either description for three years, and fine.                                    | Court of Session or Magistrate of the District. |
| 134           | Abetment of such assault, if the assault is committed...  | Ditto                             | Ditto  | Ditto                         | Imprisonment of either description for seven years, and fine.                                    | Court of Session.                               |
| 135           | Abetment of the desertion of an officer, soldier, or sailor...  | Ditto                             | Ditto  | Bailable                      | Imprisonment of either description for two years, or fine, or both.                              | Magistrate of the District.                     |
| 136           | Harbouring such an officer, soldier, or sailor who has deserted   | Ditto                             | Ditto  | Ditto                         | Ditto  | Ditto.  |
| 137           | Deserter concealed on board merchant vessel, through negligence of master or person in charge therof.                     | Shall not arrest without warrant. | Summons  | Ditto                         | Fine of five hundred rupees  | Ditto.  |
| 138           | Abetment of acts of insubordination by an officer, soldier, or sailor, if the offence be committed in consequence.        | May arrest without warrant.       | Warrant  | Ditto                         | Imprisonment of either description for six months, or fine, or both.                             | Any Magistrate.                                 |
| 140           | Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier. | Summons                           | Summons  | Ditto                         | Imprisonment of either description for three months, or fine of five hundred rupees, or both.    |   |

## CHAPTER VIII—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

|     |   |                             |         |                 |  |                 |
|-----|---|-----------------------------|---------|-----------------|--|-----------------|
| 143 | Being a member of an unlawful assembly. | May arrest without warrant. | Summons | ...<br>Bailable | Imprisonment of either description for six months, or fine, or both. | Any Magistrate. |
|-----|---|-----------------------------|---------|-----------------|--|-----------------|

|                  |   |  |   |   |   |   |
|------------------|---|--|---|---|---|---|
|                  | Joining an unlawful assembly armed with any deadly weapon.  | Ditto  | Warrant   | Ditto   | Imprisonment of either description for two years, or fine, or both.                                     | Ditto                                       |
| 145              | Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.  | Ditto  | Ditto   | Ditto   | Ditto   | Ditto                                       |
| 147              | Rioting   | Ditto  | Ditto   | Ditto   | Ditto   | Ditto                                       |
| 148              | Rioting armed with a deadly weapon  | Ditto  | Ditto   | Ditto   | Imprisonment of either description for three years, or fine, or both.                                   | Ditto                                       |
| 149              | If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence. | According to the offence, as a warrant or summons may issue for the offence. | According to the offence committed, usually without warrant for the offence or not. | According to the offence committed by the person hired, engaged, or employed. | The same as for the offence is punishable, or for any offence committed by any member of such assembly. | By the Court by which the offence is tried. |
| 150              | Hiring, engaging, or employing persons to take part in an unlawful assembly.  | Ditto  | Warrant   | Ditto   | Imprisonment of either description for six months, or fine, or both.                                    | Ditto                                       |
| 151              | Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.                      | Ditto  | Summons   | Ditto   | Imprisonment of either description for one year, or fine, or both.                                      | Ditto                                       |
| 152              | Assaulting or obstructing public servant when suppressing riot, &c.   | Ditto  | Warrant   | Ditto   | Imprisonment of either description for six months, or fine, or both.                                    | Ditto                                       |
| 153              | Wantonly giving provocation with intent to cause riot, if rioting be committed.   | Ditto  | Ditto   | Ditto   | Imprisonment of either description for one thousand rupees.   | Ditto                                       |
| If not committed |   |  |   |   |   |   |
| 154              | Owner or receiver of land not giving information of riot, &c.   | Shall not arrest without warrant.  | Ditto   | Ditto   | Magistrate of the District, or Subordinate Magistrate of First Class.                                   | Ditto                                       |
| 155              | Person for whose benefit, or on whose behalf a riot takes place not using all lawful means to prevent it.                             | Ditto  | Ditto   | Ditto   | Fine  | Ditto                                       |
| 156              | Agent of owner or receiver for whose benefit a riot is committed not using all lawful means to prevent it.                            | Ditto  | Ditto   | Ditto   | Ditto   | Ditto                                       |
| 157              | Harbouring persons hired for an unlawful assembly   | May arrest without warrant.  | Ditto   | Ditto   | Imprisonment of either description for six months, or fine, or both.                                    | Ditto                                       |

## CHAPTER VIII—OFFENCES AGAINST THE PUBLIC TRANQUILLITY—(continued.)

| 1  | 2  | 3  | 4                        | 5   | 6   | 7  |
|--|--|--|--------------------------|---|---|--|
| Offence,   | Whether the Police may arrest without warrant or riot. | Whether a warrant or a summons shall ordinarily issue in the first instance. | Whether bailable or not. | Punishment under the Indian Penal Code.   | Magnitude of either description for six months, or fine, or both. | By what Court tried, or Subordinate Magistrate of First Class. |
| 158 Being hired to take part in an unlawful assembly or riot ... | By any arrest without warrant.                         | Summons  | Bailable                 | Imprisonment of either description for six months, or fine, or both.                      | Ditto   | Ditto.   |
| Or to go armed   | Ditto,   | Warrant  | Ditto                    | Imprisonment of either description for two years, or fine, or both.                       | Ditto   | Ditto.   |
| 160 Committing affray  | ...  | Summons  | ...                      | Imprisonment of either description for one month, or fine of one hundred rupees, or both. | ...   | Any Magistrate.  |

CHAPTER IX—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

|  | 161 | Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.                           | Shall not arrest without warrant. | Imprisonment | Movable | Imprisonment of either description for three years, or fine, or both. | Court of Session or Magistrate of the District.                         |
|--|-----|--|-----------------------------------|--------------|---------|---|---|
|  | 162 | Taking a gratification in order by corrupt or illegal means to influence a public servant.   | Ditto                             | Ditto        | Ditto   | Ditto   | Ditto.  |
|  | 163 | Taking a gratification for the exercise of personal influence with a public servant.   | Ditto                             | Ditto        | Ditto   | Simple imprisonment for one year, or fine, or both.                   | Magistrate of the District.   |
|  | 164 | Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.  | Ditto                             | Ditto        | Ditto   | Imprisonment of either description for three years, or fine, or both. | Court of Session or Magistrate of the District.                         |
|  | 165 | Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant. | Ditto                             | Ditto        | Ditto   | Simple imprisonment for two years, or fine, or both.                  | Magistrate of the District, or both ordinary Magistrate of First Class. |

|      |   |       |             |  |   |
|------|---|-------|-------------|--|---|
| 166. | Public servant disobeying a direction of the law with intent to cause injury to any person. | Ditto | ... Ditto   | ... Simple imprisonment for one year, or fine, or both.  | Ditto   |
| 167. | Public servant framing an incorrect document with intent to cause injury.                   | Ditto | ... Ditto   | ... Imprisonment of either description for three years, or fine, or both.                            | Court of Session or Magistrate of the District. |
| 168. | Public servant unlawfully engaging in trade.  | Ditto | ... Ditto   | ... Simple imprisonment for one year, or fine, or both.  | Magistrate of the District.                     |
| 169. | Public servant unlawfully buying or bidding for property.                                   | Ditto | ... Ditto   | ... Simple imprisonment for two years, or fine, or both, and confiscation of property, if purchased. | Ditto.  |
| 170. | Personating a public servant.   | Ditto | ... Warrant | ... Imprisonment of either description for two years, or fine, or both.                              | Any Magistrate.                                 |
| 171. | Wearing garb or carrying tokens used by public servant with fraudulent intent.              | Ditto | ... Summone | ... Imprisonment of either description for three months, or fine of two hundred rupees, or both.     | Ditto.  |

#### CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

|      |   |                                   |           |  |   |
|------|---|-----------------------------------|-----------|--|---|
| 172. | A becoming to avoid service of summons or other proceeding from a public servant.   | Shall not arrest without warrant. | Summons   | ... Simple imprisonment for one month, or fine of five hundred rupees, or both.  | Any Magistrate.   |
|      | If summons or notice require attendance in person, &c., in a Court of Justice.  | Ditto                             | ... Ditto | ... Simple imprisonment for six months, or fine of one thousand rupees, or both. | Ditto.  |
| 173. | Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation. | Ditto                             | ... Ditto | ... Simple imprisonment for one month, or fine of five hundred rupees, or both.  | Magistrate of the District, or Subordinate Magistrate of First Class. |
|      | If summons, &c., require attendance in person, &c., in a Court of Justice.  | Ditto                             | ... Ditto | ... Simple imprisonment for six months, or fine of one thousand rupees, or both. | Ditto.  |
| 174. | Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.                       | Ditto                             | ... Ditto | ... Simple imprisonment for one month, or fine of five hundred rupees, or both.  | Any Magistrate.   |
|      | If the order require personal attendance, &c., in a Court of Justice.   | Ditto                             | ... Ditto | ... Simple imprisonment for six months, or fine of one thousand rupees, or both. | Ditto.  |

## CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(continued.)

| Section. | Offence.   | 1 | 2 | 3  | 4                        | 5  | 6                      | 7   |
|----------|--|---|---|--|--------------------------|--|------------------------|---|
|          |  |   |   | Whether a warrant or a summons shall ordinarily issue in the first instance. | Whether bailable or not. | Punishment under the Indian Penal Code.                                      | By what Court triable. | Court in which the offence is committed, subject to the provisions of chapter X of this Code, or if not committed in a Court, the Magistrate of the District, or Subordinate Magistrate of First Class. |
| 176      | Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.        |   |   | Shall not arrest without warrant.  | Bailable ...             | Simple imprisonment for one month, or fine of five hundred rupees, or both.  | Ditto                  | Ditto   |
|          | If the document is required to be produced for delivery to a Court of Justice.   |   |   |  |                          | Simple imprisonment for six months, or fine of one thousand rupees, or both. | Ditto                  | Ditto   |
| 176      | Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information. |   |   |  |                          | Simple imprisonment for one month, or fine of five hundred rupees, or both.  | Ditto                  | Ditto   |
|          | If the notice or information required respects the commission of an offence, &c.   |   |   |  |                          | Simple imprisonment for six months, or fine of one thousand rupees, or both. | Ditto                  | Ditto   |
| 177      | Knowingly furnishing false information to a public servant...  |   |   |  |                          | Ditto  | Ditto                  | Ditto   |
|          | If the information required respects the commission of an offence, &c.   |   |   |  |                          | Imprisonment of either description for two years, or fine, or both.          | Ditto                  | Ditto   |

|     |   |       |     |            |     |       |     |       |     |       |     |       |     |       |     |       |     |       |     |  |
|-----|---|-------|-----|------------|-----|-------|-----|-------|-----|-------|-----|-------|-----|-------|-----|-------|-----|-------|-----|--|
|     |   |       |     |            |     |       |     |       |     |       |     |       |     |       |     |       |     |       |     |  |
| 178 | Refusing until when duly required to take oath by a public servant.   | Ditto | ... | Ditto      | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... |  |
|     |   |       |     |            |     |       |     |       |     |       |     |       |     |       |     |       |     |       |     |  |
| 179 | Being legally bound to state the truth, and refusing to answer questions.   | Ditto | ... | Ditto      | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... |  |
| 180 | Refusing to sign a statement made to a public servant when legally required to do so.   | Ditto | ... | Ditto      | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... |  |
| 181 | Knowingly stating to a public servant on oath as true that which is false.  | Ditto | ... | Warrant    | ... | Ditto | ... |  |
| 182 | Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.  | Ditto | ... | Suspicious | ... | Ditto | ... |  |
| 183 | Resistance to the taking of property by the lawful authority of a public servant.   | Ditto | ... | Ditto      | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... |  |
| 184 | Obstructing sale of property offered for sale by authority of a public servant.   | Ditto | ... | Ditto      | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... |  |
| 185 | Bidding by a person under a legal incapacity to purchase it for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby. | Ditto | ... | Ditto      | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... |  |
| 186 | Obstructing public servant in discharge of his public functions.  | Ditto | ... | Ditto      | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... |  |
| 187 | Obstruction to assist public servant when bound by law to give such assistance.   | Ditto | ... | Ditto      | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... |  |
| 188 | Willfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.   | Ditto | ... | Ditto      | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... | Ditto | ... |  |
|     |   |       |     |            |     |       |     |       |     |       |     |       |     |       |     |       |     |       |     |  |

## CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(continued.)

| 1<br>Section. | 2<br>Offence.  | 3<br>Whether the Police may arrest without warrant or not. | 4<br>Whether a warrant or a summons shall ordinarily issue in the first instance. | 5<br>Whether bailable or not. | 6<br>Punishment under the Indian Penal Code.                                   | 7<br>By what Court triable.   |
|---------------|--|--|---|-------------------------------|--|---|
| 188           | Disobedience to an order lawfully pronounced by a public servant, if such disobedience causes obstruction or annoyance or injury to persons lawfully employed. | Shall not arrest without warrant.                          | Summons   | ... Bailable                  | ... Simple imprisonment for one month, or fine of two hundred rupees, or both. | Magistrate of the District, or Subordinate Magistrate of First Class. |
| 189           | If such disobedience causes danger to human life, health or safety, &c.  | Ditto  | Ditto   | ... Ditto                     | ... Imprisonment for six months, or fine of one thousand rupees, or both.      | Ditto.  |
| 190           | Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.                       | Ditto  | Ditto   | ... Ditto                     | ... Imprisonment of either description for two years, or fine, or both.        | Ditto.  |
| 190           | Threatening any person to induce him to refrain from making a legal application for protection from injury.  | Ditto  | Ditto   | ... Ditto                     | ... Imprisonment of either description for one year, or fine, or both.         | Ditto.  |

## CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

|     |   |                                   |         |                  |  |                   |
|-----|---|-----------------------------------|---------|------------------|--|-------------------|
| 193 | Giving or fabricating false evidence in a judicial proceeding...  | Shall not arrest without warrant. | Warrant | ... Bailable     | ... Imprisonment of either description for seven years, and fine.              | Court of Session. |
| 194 | Giving or fabricating false evidence in any other case...   | Ditto                             | Ditto   | ... Ditto        | ... Imprisonment of either description for three years, and fine.              | Ditto.            |
| 194 | Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.  | Ditto                             | Ditto   | ... Not bailable | ... Transportation for life, or rigorous imprisonment for ten years, and fine. | Ditto.            |
| 195 | If innocent person be thereby convicted and executed...   | Ditto                             | Ditto   | ... Ditto        | ... Death, or as above   | Ditto.            |
| 195 | Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years. | Ditto                             | Ditto   | ... Ditto        | ... The same as for the offence  | Ditto.            |

|     |   |       |     |         |     |  |   |  |
|-----|---|-------|-----|---------|-----|--|---|--|
| 196 | Using in a judicial proceeding evidence known to be false or fabricated.  | Ditto | ... | Ditto   | ... | According to the offence of giving such evidence is punishable or not. | The same as for giving or fabricating false evidence.   | Ditto.   |
| 197 | Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.   | Ditto | ... | Ditto   | ... | Ditto  | Ditto   | Ditto.   |
| 198 | Using as a true certificate one known to be false in a material point.  | Ditto | ... | Ditto   | ... | Ditto  | ...   | ...  |
| 199 | False statement made in any declaration which is by law received as evidence.   | Ditto | ... | Ditto   | ... | Ditto  | ...   | Ditto.   |
| 200 | Using as true any such declaration known to be false.   | Ditto | ... | Ditto   | ... | Ditto  | ...   | ...  |
| 201 | Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.  | Ditto | ... | Ditto   | ... | Ditto  | Imprisonment of either description for seven years, and fine.   | Ditto.   |
|     | If punishable with transportation, or imprisonment for ten years.   | Ditto | ... | Ditto   | ... | Ditto  | Imprisonment of either description for three years, and fine.   | Court of Session, or Magistrate of the District.                                   |
|     | If punishable with less than ten years' imprisonment.   | Ditto | ... | Ditto   | ... | Ditto  | Imprisonment for one-fourth of the longest term, and of the description provided for the offence, or fine, or both. | By the Magistrate of the District or by the Court by which the offence is triable. |
| 202 | Intentional omission to give information of an offence by a person legally bound to inform.   | Ditto | ... | Summons | ... | Ditto  | Imprisonment of either description for six months, or fine, or both.  | Magistrate of the District.  |
| 203 | Giving false information respecting an offence committed.   | Ditto | ... | Warrant | ... | Ditto  | Imprisonment of either description for two years or fine, or both.  | Ditto.   |
| 204 | Secreting or destroying any document to prevent its production as evidence.   | Ditto | ... | Ditto   | ... | Ditto  | Imprisonment of either description for three years, or fine, or both.   | Ditto.   |
| 205 | False presentation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.  | Ditto | ... | Ditto   | ... | Ditto  | Imprisonment of either description for two years or fine, or both.  | Court of Session or Magistrate of the District.                                    |
| 206 | Fraudulent removal or concealment, &c., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence or in execution of a decree.                                    | Ditto | ... | Ditto   | ... | Ditto  | Imprisonment of either description for three years, or fine, or both.   | Magistrate of the District, or Subordinate Magistrate of First Class.              |
| 207 | Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a sum under sentence, or in execution of a decree. | Ditto | ... | Ditto   | ... | Ditto  | ...   | Ditto.   |

## CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(continued.)

| 1<br>Section. | 2<br>Offence.  | 3<br>Whether the Police may arrest without warrant or not. | 4<br>Whether a warrant or a summons shall ordinarily issue in the first instance. | 5<br>Whether bailable or not. | 6<br>Punishment under the Indian Penal Code.  | 7<br>By what Court triable.   |
|---------------|--|--|---|-------------------------------|---|---|
| 208           | Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied. | Shall not arrest without warrant.                          | Warrant   | Bailable                      | Imprisonment of either description for two years, or fine, or both.   | Magistrate of the District.   |
| 209           | False claim in a Court of Justice  | Ditto  | Ditto   | Ditto                         | Imprisonment of either description for two years, and fine.   | Ditto.  |
| 210           | Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.         | Ditto  | Ditto   | Ditto                         | Imprisonment of either description for two years, or fine, or both.   | Ditto.  |
| 211           | False charge of offence made with intent to injure   | Ditto  | Ditto   | Ditto                         | Ditto   | Ditto.  |
|               | If offence charged be capital or punishable with transportation for life, or imprisonment for seven years, or upwards.     | Ditto  | Ditto   | Ditto                         | Imprisonment of either description for seven years, and fine.   | Court of Session.   |
| 212           | Harbouring an offender if the offence be capital   | May arrest without warrant.                                | Ditto   | Ditto                         | Imprisonment of either description for five years, and fine.  | Ditto.  |
|               | If punishable with transportation for life, or with imprisonment for ten years.  | Ditto  | Ditto   | Ditto                         | Imprisonment of either description for ten years, and fine.   | Court of Session, or Magistrate of the District.                                    |
|               | If punishable with imprisonment for one year, and not for ten years.   | Ditto  | Ditto   | Ditto                         | Imprisonment for one-fourth of the longest term, and of the description provided for the offence, or fine, or both. | Court of Session.   |
| 213           | Taking gift, &c., to screen an offender from punishment, if the offence be capital.  | Shall not arrest without warrant.                          | Ditto   | Ditto                         | Imprisonment of either description for seven years, and fine.   | Court of Session, or Magistrate of the District.                                    |
|               | If punishable with transportation for life, or with imprisonment for ten years.  | Ditto  | Ditto   | Ditto                         | Imprisonment of either description for three years, and fine.   | Court of Session.   |
|               | If with imprisonment for less than ten years   | ...  | Ditto   | Ditto                         | Imprisonment for one-fourth of the longest term, and of the description provided for the offence, or fine, or both. | By the Magistrate of the District, or by the Court by which the offence is triable. |

|    |  |       |             |   |
|----|--|-------|-------------|---|
| 14 | Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.                                | Ditto | ... Ditto   | Imprisonment of either description for Court of Session, or seven years, and fine.                                  |
|    | If punishable with transportation for life, or with imprisonment for ten years.  | Ditto | ... Ditto   | Imprisonment of either description for three years, and fine.   |
|    | If with imprisonment for less than ten years   | ...   |             |   |
| 15 | Taking gift to help to recover movable property of which a person has been deprived by an offence, without causing apprehension of offender. | Ditto | ... Ditto   | Imprisonment for one-fourth of the longest term, and of the description provided for the offence, or fine, or both. |
| 16 | Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.                      | Ditto | ... Ditto   | Imprisonment of either description for two years, or fine, or both.   |
|    | If punishable with transportation for life, or with imprisonment for ten years.  | Ditto | ... Ditto   | Imprisonment of either description for three years, and fine.   |
|    | If with imprisonment for one year and not for ten years  | ...   |             |   |
| 17 | Public servant destroying a direction of law will intent to levy persons from punishment, or property from forfeiture.                       | Ditto | ... Warrant | Imprisonment of either description for Court of Session, or two years, or fine, or both.                            |
| 18 | Public servant framing an incorrect record, or writing with intent to save person from punishment, or property from forfeiture.              | Ditto | ... Ditto   | Imprisonment of either description for seven years, or fine, or both.   |
| 19 | Public servant in a judicial proceeding making or pronouncing an order, report, verdict, or decision which he knows to be contrary to law.   | Ditto | ... Ditto   | Ditto.  |
| 20 | Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.                                | Ditto | ... Ditto   | Ditto.  |
| 21 | Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.          | Ditto | ... Ditto   | Ditto.  |

## CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE (continued).

| Offence.  | 2   | 3   | 4                        | 5  | 6   | 7                    |
|---|---|---|--------------------------|--|---|----------------------|
|   | Whether the Police may arrest without warrant or not. | Whether a warrant or a summons shall ordinarily issue in the first instances. | Whether bailable or not. | Punishment under the Indian Penal Code.  |   | By what Court tried. |
| 220. Unpunishable with transportation for life, or imprisonment for ten years.  | Shall not arrest without warrant.                     | Warrant   | Bailable                 | Imprisonment of either description for three years, with or without fine.                                | Court of Session or Magistrate of the District.                       |                      |
| If with imprisonment for less than ten years.   | Ditto   | ... Ditto   | Ditto                    | Imprisonment of either description for two years, with or without fine.                                  | Magistrate of the District, or Subordinate Magistrate of First Class. |                      |
| 221. Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death. | Ditto   | ... Ditto   | Not bailable             | Transportation for life, or imprisonment of either description for thirteen years, with or without fine. | Court of Session.   |                      |
| If under sentence of transportation for life, or imprisonment or penal servitude for ten years or upwards.  | Ditto   | ... Ditto   | Ditto                    | Imprisonment of either description for seven years, with or without fine.                                | Ditto.  |                      |
| If under sentence of imprisonment for less than ten years.  | Ditto   | ... Ditto   | Bailable                 | Imprisonment of either description for three years, or fine or both.                                     | Court of Session.   |                      |
| 222. Escape from confinement negligently suffered by a public servant.  | Ditto   | ... Summons   | Ditto                    | Simple imprisonment for two years, or fine, or both.   | Magistrate of the District, or Subordinate Magistrate of First Class. |                      |
| Resistance or obstruction by a person to his lawful apprehension.   | May arrest without warrant.                           | Warrant   | Ditto                    | Imprisonment of either description for two years, or fine, or both.                                      | Ditto.  |                      |
| 223. Resistance or obstruction to the lawful apprehension of another person, or releasing him from lawful custody.  | Ditto   | ... Ditto   | Ditto                    | Ditto  | Ditto.  |                      |
| If charged with an offence punishable with transportation for life, or imprisonment for ten years.  | Ditto   | ... Ditto   | Not bailable             | Imprisonment of either description for three years, and fine.  | Court of Session or Magistrate of the District.                       |                      |
| If charged with a capital offence.  | ... Ditto   | ... Ditto   | Ditto                    | Imprisonment of either description for seven years, and fine.  | Court of Session.   |                      |

## CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS (*continued*).

| Section | Offence  | 3   | 4  | 5                      | 6  | 7   |
|---------|--|---|--|------------------------|--|---|
|         |  | Whether the Police may arrest without warrant or not. | Whether a warrant or a summons shall ordinarily issue in the first instance. | Whether liable or not. | Punishment under the Indian Penal Code.  | By what Court tried.  |
| 236     | Making in India the counterfeiting out of British India's Coin.  | May arrest without warrant.                           | Warrant  | Not liable ...         | The punishment provided for abetting the counterfeiting of such coin within British India.                           | Court of Session.   |
| 237     | Import or export of counterfeit Coin, knowing the same to be counterfeit.  | Ditto   | Ditto  | Ditto                  | Imprisonment of either description for three years, and fine.  | Court of Session or Magistrate of the District.                       |
| 238     | Import or export of counterfeits of the Queen's Coins, knowing the same to be counterfeit.   | Ditto   | Ditto  | Ditto                  | Transportation for life, or imprisonment of either description for ten years, and fine.                              | Court of Session.   |
| 239     | Having any counterfeit Coin known to be such when it came into possession, and delivering, &c., the same to any person.                  | Ditto   | Ditto  | Ditto                  | Imprisonment of either description for five years, and fine.   | Ditto.  |
| 240     | The same with respect to the Queen's Coin.   | Ditto   | Ditto  | Ditto                  | Imprisonment of either description for ten years, and fine.  | Ditto.  |
| 241     | Knowingly delivering to another any counterfeit Coin as genuine which when first possessed the deliverer did not know to be counterfeit. | Ditto   | Ditto  | Ditto                  | Imprisonment of either description for two years, or fine of ten times the value of the Coin counterfeited, or both. | Magistrate of the District, or Subordinate Magistrate of First Class. |
| 242     | Possession of counterfeit Coin by a person who knew it to be counterfeit when he became possessed thereof.                               | Ditto   | Ditto  | Ditto                  | Imprisonment of either description for three years, and fine.  | Court of Session or Magistrate of the District.                       |
| 243     | Possession of Queen's Coin by a person who knew it to be counterfeit when he became possessed thereof.                                   | Ditto   | Ditto  | Ditto                  | Imprisonment of either description for seven years, and fine.  | Court of Session.   |
| 244     | Persons employed in Mint causing Coin to be of a different weight or composition from that fixed by law.                                 | Ditto   | Ditto  | Ditto                  | Ditto  | Ditto.  |
| 245     | Unlawfully taking from a Mint any coining instrument.  | Ditto   | Ditto  | Ditto                  | Ditto  | Ditto.  |
| 246     | Fraudulently diminishing the weight or altering the position of any Coin.  | Ditto   | Ditto  | Ditto                  | Imprisonment of either description for three years, and fine.  | Court of Session or Magistrate of the District.                       |

|     |  |       |           |   |   |
|-----|--|-------|-----------|---|---|
| 247 | Fraudulently diminishing the weight or altering the composition of the Queen's Coin.   | Ditto | ... Ditto | ... Imprisonment of either description for seven years, and fine.                                 | Court of Session.   |
| 248 | Altering appearance of any Coin with intent that it pass as a Coin of a different description.   | Ditto | ... Ditto | ... Imprisonment of either description for three years, and fine.                                 | Court of Session or Magistrate of the District.                       |
| 249 | Altering appearance of the Queen's Coin with intent that it shall pass as a Coin of a different description.   | Ditto | ... Ditto | ... Imprisonment of either description for seven years, and fine.                                 | Court of Session.   |
| 250 | Delivery to another of Coin possessed with the knowledge that it is altered.   | Ditto | ... Ditto | ... Imprisonment of either description for five years, and fine.                                  | Ditto.  |
| 251 | Delivery of Queen's Coin possessed with the knowledge that it is altered.  | Ditto | ... Ditto | ... Imprisonment of either description for ten years, and fine.                                   | Ditto.  |
| 252 | Possession of altered Coin by a person who knew it to be altered when he became possessed thereof.   | Ditto | ... Ditto | ... Imprisonment of either description for three years, and fine.                                 | Court of Session or Magistrate of the District.                       |
| 253 | Possession of Queen's Coin by a person who knew it to be altered when he became possessed thereof.   | Ditto | ... Ditto | ... Imprisonment of either description for five years, and fine.                                  | Court of Session.   |
| 254 | Delivery to another of Coin as genuine, which, when first possessed, the deliverer did not know to be altered.   | Ditto | ... Ditto | ... Imprisonment of either description for two years, or fine of ten times the value of the Coin. | Magistrate of the District, or Subordinate Magistrate of First Class. |
| 255 | Counterfeiting a Government stamp.   | Ditto | ... Ditto | ... Imprisonment of either description for ten years, and fine.                                   | Court of Session.   |
| 256 | Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.   | Ditto | ... Ditto | ... Imprisonment of either description for seven years, and fine.                                 | Ditto.  |
| 257 | Making, buying, or selling instrument for the purpose of counterfeiting a Government stamp.  | Ditto | ... Ditto | ... Ditto   | Ditto.  |
| 258 | Sale of counterfeit Government stamp.  | Ditto | ... Ditto | ... Ditto   | Ditto.  |
| 259 | Having possession of a counterfeit Government stamp.   | Ditto | ... Ditto | ... Ditto   | Ditto.  |
| 260 | Using a genuine Government stamp known to be counterfeit.  | Ditto | ... Ditto | ... Imprisonment of either description for seven years, or fine, or both.                         | Ditto.  |
| 261 | Killing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause wrongful loss to Government. | Ditto | ... Ditto | ... Imprisonment of either description for three years, or fine, or both.                         | Court of Session or Magistrate of the District.                       |
| 262 | Using a Government stamp known to have been before used.   | Ditto | ... Ditto | ... Imprisonment of either description for two years, or fine, or both.                           | Magistrate of the District, or Subordinate Magistrate of First Class. |

## CHAPTER XIII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS (continued).

| 1<br>Section. | 2<br>Offence.                                     | 3<br>Whether a warrant or a summons shall ordinarily issue in the first instance. | 4<br>Whether a warrant or a summons shall issue in the first instance. | 5<br>Whether bailable or not. | 6<br>Punishment under the Indian Penal Code.                          | 7<br>By what Court triable.                     |
|---------------|---|---|--|-------------------------------|---|---|
| 263           | Evasion of mark reading that stamp has been used. | May arrest without warrant.   | Warrant  | Bailable                      | Imprisonment of either description for three years, or fine, or both. | Court of Session or Magistrate of the District. |

## CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

|     |  |                                   |         |              |  |   |
|-----|--|-----------------------------------|---------|--------------|--|---|
| 264 | Fraudulent use of false instrument for weighing.                     | Shall not arrest without warrant. | Summons | ... Bailable | ... Imprisonment of either description for one year, or fine, or both. | Magistrate of the District, or Subordinate Magistrate of First Class. |
| 265 | Fraudulent use of false weight or measure.                           | Ditto                             | Ditto   | Ditto        | Ditto  | Ditto.  |
| 266 | Being in possession of false weights or measures for fraudulent use. | Ditto                             | Ditto   | Ditto        | Ditto  | Ditto.  |
| 267 | Making or selling false weights or measures for fraudulent use.      | Ditto                             | Ditto   | Ditto        | Ditto  | Ditto.  |

## CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS.

|     |  |                                   |         |              |  |   |
|-----|--|-----------------------------------|---------|--------------|--|---|
| 269 | Negligently doing any act known to be likely to spread infection of any disease dangerous to life. | May arrest without warrant.       | Summons | ... Bailable | ... Imprisonment of either description for six months, or fine, or both. | Magistrate of the District, or Subordinate Magistrate of First Class. |
| 270 | Maliciously doing any act known to be likely to spread infection of any disease dangerous to life. | Ditto                             | ...     | Ditto        | ... Imprisonment of either description for two years, or fine, or both.  | Ditto.  |
| 271 | Knowingly disobeying any quarantine rule.  | Shall not arrest without warrant. | Ditto   | Ditto        | ... Imprisonment of either description for six months, or fine, or both. | Ditto.  |

|     |   |       |     |         |     |       |     |       |     |   |   |
|-----|---|-------|-----|---------|-----|-------|-----|-------|-----|---|---|
| 272 | Adulterating food or drink for man intended for sale so as to make the same noxious.  | Ditto | ... | Ditto   | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for six months, or fine of one thousand rupees, or both.   | Ditto.  |
| 273 | Selling any food or drink as food and drink for man knowing the same to be noxious.   | Ditto | ... | Ditto   | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for six months, or fine of one thousand rupees, or both.   | Ditto.  |
| 274 | Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious. | Ditto | ... | Ditto   | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for six months, or fine of one thousand rupees, or both.   | Ditto.  |
| 275 | Offering for sale, or issuing from a dispensary any drug or medical preparation known to have been adulterated.                                 | Ditto | ... | Ditto   | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for six months, or fine of one thousand rupees, or both.   | Ditto.  |
| 276 | Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.                      | Ditto | ... | Ditto   | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for six months, or fine of one thousand rupees, or both.   | Ditto.  |
| 277 | Defiling the water of a public spring or reservoir.   | Ditto | ... | Ditto   | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for three months, or fine of five hundred rupees, or both. | Any Magistrate.   |
| 278 | May arrest without warrant.   | Ditto | ... | Ditto   | ... | Ditto | ... | Ditto | ... | Fine of five hundred rupees   | Ditto.  |
| 279 | Shall not arrest without warrant.   | Ditto | ... | Ditto   | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for six months, or fine of one thousand rupees, or both.   | Ditto.  |
| 280 | Making atmosphere noxious to health.  | Ditto | ... | Ditto   | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for six months, or fine of one thousand rupees, or both.   | Magistrate of the District, or Subordinate Magistrate of First Class. |
| 281 | Driving or riding on a public way so rashly or negligently as to endanger human life, &c.   | Ditto | ... | Ditto   | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for seven years, or fine, or both.                         | Court of Session.   |
| 282 | Navigating any vessel so rashly or negligently as to endanger human life, &c.   | Ditto | ... | Ditto   | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for six months, or fine, or both.                          | Magistrate of the District, or Subordinate Magistrate of First Class. |
| 283 | Exhibition of a false light, mark, or buoy.   | Ditto | ... | Warrant | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for six months, or fine, or both.                          | Ditto.  |
| 284 | Conveying for hire any person by water in such a state, or so loaded, as to endanger his life.  | Ditto | ... | Summons | ... | Ditto | ... | Ditto | ... | Fine of two hundred rupees  | Ditto.  |
| 285 | Causing danger, obstruction, or injury in any public way or line of navigation.   | Ditto | ... | Ditto   | ... | Ditto | ... | Ditto | ... | Imprisonment of either description for six months, or fine of one thousand rupees, or both.   | Ditto.  |
| 286 | Dealing with any poisonous substance so as to endanger man's life, &c.  | Ditto | ... | Ditto   | ... | Ditto | ... | Ditto | ... | Dealing with fire or any combustible matter so as to endanger human life, &c.                 | Any Magistrate.   |

**CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENTY AND MORALS.**

## CHAPTER XV—OFFENCES RELATING TO RELIGION.

|     |   |                                   |         |          |   |                             |
|-----|---|-----------------------------------|---------|----------|---|-----------------------------|
| 285 | Damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.   | May arrest without warrant.       | Suspect | Bailable | Imprisonment of either description for two years, or fine, or both. | Magistrate of the District. |
| 288 | Causing a disturbance to an assembly engaged in religious worship.  | Ditto                             | Ditto   | Ditto    | Imprisonment of either description for one year, or fine, or both.  | Ditto.                      |
| 297 | Trespassing in a place of worship or sepulture, disturbing funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse. | Ditto                             | Ditto   | Ditto    | Ditto   | Ditto.                      |
| 298 | Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intent to wound his religious feelings.               | Shall not arrest without warrant. | Ditto   | Ditto    | Ditto   | Ditto.                      |

## CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY.

## Offences affecting life.

|      |   |                             |         |              |   |   |
|------|---|-----------------------------|---------|--------------|---|---|
| 302  | Murder.   | May arrest without warrant. | Warrant | Not bailable | Death, transportation for life, and fine.   | Court of Session.                               |
| 303  | Murder by a person under sentence of transportation for life.   | Ditto                       | Ditto   | Ditto        | Death   | Ditto.  |
| 304  | Unlawful homicide not amounting to murder if act by which the death is caused is done with intent of causing death, &c. | Ditto                       | Ditto   | Ditto        | Transportation for life, or imprisonment of either description for ten years, and fine. | Ditto.  |
| 305  | If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.           | Ditto                       | Ditto   | Ditto        | Imprisonment of either description for ten years, or fine, or both.                     | Ditto.  |
| 305A | Causing death by negligence.  | Ditto                       | Ditto   | Bailable     | Imprisonment of either description for two years, or fine, or both.                     | Court of Session or Magistrate of the District. |
| 306  | Abortion of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.          | Ditto                       | Ditto   | Not bailable | Death, or transportation for life, or imprisonment for ten years, and fine.             | Court of Session.                               |
| 306  | Abetting the commission of suicide.   | Ditto                       | Ditto   | Ditto        | Imprisonment of either description for ten years, and fine.                             | Ditto.  |
| 307  | Attempt to murder.  | Ditto                       | Ditto   | Ditto        | Death   | Ditto.  |
| 308  | If such act causes hurt to any person.  | Ditto                       | Ditto   | Ditto        | Transportation for life, or as above  | Ditto.  |
| 308  | Attempt to commit culpable homicide.  | Ditto                       | Ditto   | Bailable     | Imprisonment of either description for three years, or fine, or both.                   | Ditto.  |

## CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY (continued).

## Offences affecting life (continued).

| 1<br>Section.   | 2<br>Offence.                         | 3<br>Whether the Police may arrest without warrant. | 4<br>Whether a warrant or a summons shall ordinarily issue in the first instance. | 5<br>Whether bailable or not. | 6<br>Punishment under the Indian Penal Code.  | 7<br>By what Court triable. |
|---|---------------------------------------|---|---|-------------------------------|---|-----------------------------|
| 310<br>Attempt to commit suicide.   | If such act cause hurt to any person. | May arrest without warrant.                         | Warrant   | Bailable                      | Imprisonment of either description for seven years, or fine, or both.                   | Court of Session.           |
|   | Ditto                                 | Ditto   | Ditto   | Ditto                         | Simple imprisonment for one year, and fine.   | Magnitude of the District.  |
| 311<br>Being a thug.  |                                       | Ditto   | Ditto   | Not bailable                  | Transportation for life, and fine.  | Court of Session.           |
| <i>Of the causing of miscarriage; of injuries to women children; of the exposure of infants; and of the concealment of birth.</i> |                                       |   |   |                               |   |                             |
| 312<br>Causing miscarriage.   | Shall not arrest without warrant.     | Warrant   | Bailable  | ...                           | Imprisonment of either description for three years, or fine, or both.                   | Court of Session.           |
|   | Ditto                                 | Ditto   | Ditto   | ...                           | Imprisonment of either description for seven years, and fine.                           | Ditto.                      |
| 313<br>Causing miscarriage without woman's consent.   | Ditto                                 | Ditto   | Not bailable  | ...                           | Transportation for life, or imprisonment of either description for ten years, and fine. | Ditto.                      |
| 314<br>Death caused by an act done with intent to cause miscarriage.  | Ditto                                 | Ditto   | Ditto   | ...                           | Imprisonment of either description for ten years, and fine.                             | Ditto.                      |
|   | If set done without woman's consent.  | Ditto   | Ditto   | ...                           | Transportation for life, or as above.   | Ditto.                      |
| 315<br>Act done with intent to prevent a child being born alive, or to cause it to die after its birth.                           | Ditto                                 | Ditto   | Ditto   | ...                           | Imprisonment of either description for ten years, or fine, or both.                     | Ditto.                      |
| 316<br>Causing death of a quick unborn child by an act amounting to culpable homicide.  | Ditto                                 | Ditto   | Ditto   | ...                           | Imprisonment of either description for ten years, and fine.                             | Ditto.                      |
| 317<br>Exposure of a child under twelve years by parent or person having care of it with intention of wholly abandoning it.       | May arrest without warrant.           | Ditto   | Bailable  | ...                           | Imprisonment of either description for seven years, or fine, or both.                   | Ditto.                      |

319 Concealment of birth by secret disposal of dead body ... Ditto ... Ditto ... Ditto ...

Imprisonment of either description for two years, or fine, or both.

*Of Hurt.*

|  |                                      |                  |  |  |
|--|--------------------------------------|------------------|--|--|
| 323 Voluntarily causing hurt.  | Shall not arrest <b>Suspects</b> ... | Bailable ...     | Imprisonment of either description for one year, or fine of one thousand rupees, or both.  | Any Magistrate.  |
| 324 Voluntarily causing hurt by dangerous weapons or instruments.  | May arrest without warrant.          | Ditto ...        | Imprisonment of either description for three years, or fine, or both.                      | Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class. |
| 325 Voluntarily causing grievous hurt.   | Ditto ...                            | Ditto ...        | Imprisonment of either description for seven years, and fine.                              | Ditto.   |
| 326 Voluntarily causing grievous hurt by dangerous weapons or instruments.   | Ditto ...                            | Ditto ...        | Transportation for life, or imprisonment of either description for ten years, and fine.    | Court of Session.  |
| 327 Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.          | Ditto ...                            | Warrant ...      | Imprisonment of either description for ten years, and fine.                                | Ditto.   |
| 328 Administering stupefying drug with intent to cause hurt.   | Ditto ...                            | Ditto ...        | Ditto  | Ditto.   |
| 329 Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence. | Ditto ...                            | Ditto ...        | Transportation for life, or imprisonment of either description for ten years, and fine.    | Ditto.   |
| 330 Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.  | Ditto ...                            | Ditto ...        | Imprisonment of either description for seven years, and fine.                              | Ditto.   |
| 331 Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.   | Ditto ...                            | Ditto ...        | Imprisonment of either description for ten years, and fine.                                | Ditto.   |
| 332 Voluntarily causing hurt to deter public servant from his duty.  | Ditto ...                            | Bailable ...     | Imprisonment of either description for three years, or fine, or both.                      | Court of Session, or Magistrate of the District.   |
| 333 Voluntarily causing grievous hurt to deter public servant from his duty.   | Ditto ...                            | Not bailable ... | Imprisonment of either description for ten years, and fine.                                | Court of Session.  |
| 334 Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.                                  | Ditto ...                            | Same ...         | Imprisonment of either description for one month, or fine of five hundred rupees, or both. | Any Magistrate.  |

**CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY (continued).**  
*Of Hurt (continued).*

| Section.   | Offence.   | 1     | 2   | 3   | 4                        | 5                                       | 6  | 7   |
|--|--|-------|-----|---|--------------------------|---|--|---|
|  |  |       |     | Whether a warrant or a summons shall issue in the first instance. | Whether bailable or not. | Punishment under the Indian Penal Code. |  | By what Court tried.  |
| 335  | Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation. |       |     | May arrest without warrant.                                       | Summons                  | ... Bailable                            | Imprisonment of either description for four years, or fine of two thousand rupees, or both.            | Court of Session, or Magistrate of the District.                      |
| 336  | Doing any act which endangers human life or the personal safety of others.   | Ditto | ... | Ditto   | Ditto                    | Ditto                                   | Imprisonment of either description for three months, or fine of two hundred and fifty rupees, or both. | Any Magistrate.   |
| 337  | Causing hurt by an act which endangers human life, &c.   | Ditto | ... | Ditto   | Ditto                    | Ditto                                   | Imprisonment of either description for six months, or fine of five hundred rupees, or both.            | Magistrate of the District, or Subordinate Magistrate of First Class. |
| 338  | Causing grievous hurt by an act which endangers human life, &c.  | Ditto | ... | Ditto   | Ditto                    | Ditto                                   | Imprisonment of either description for two years, or fine of one thousand rupees, or both.             | Ditto.  |
| <i>Of wrongful Restraint and wrongful Confinement.</i> |  |       |     |   |                          |   |  |   |
| 341  | Wrongfully restraining any person.   |       |     | May arrest without warrant.                                       | Summons                  | ... Bailable                            | Simple imprisonment for one month, or fine of five hundred rupees, or both.                            | Any Magistrate.   |
| 342  | Wrongfully confining any person.   | Ditto | ... | Ditto   | Ditto                    | Ditto                                   | Imprisonment of either description for one year, or fine of one thousand rupees, or both.              | Magistrate of the District, or Subordinate Magistrate of First Class. |
| 343  | Wrongfully confining for three or more days.   | Ditto | ... | Ditto   | Ditto                    | Ditto                                   | Imprisonment of either description for two years, or fine, or both.                                    | Ditto.  |
| 344  | Wrongfully confining for ten or more days.   | Ditto | ... | Ditto   | Ditto                    | Ditto                                   | Imprisonment of either description for three years, and fine.  | Court of Session, or Magistrate of the District.                      |

|     |  |                                   |           |           |           |     |  |        |
|-----|--|-----------------------------------|-----------|-----------|-----------|-----|--|--------|
| 345 | Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.                        | Shall not arrest without warrant. | Ditto     | ...       | Ditto     | ... | Imprisonment of either description for two years, in addition to imprisonment under any other section. | Ditto. |
| 346 | Wrongful confinement in secret.  | May arrest without warrant.       | Ditto     | ...       | Ditto     | ... | Ditto  | Ditto. |
| 347 | Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.                         | Ditto                             | ... Ditto | ... Ditto | ... Ditto | ... | Imprisonment of either description for three years, and fine.  | Ditto. |
| 348 | Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c. | Ditto                             | ... Ditto | ... Ditto | ... Ditto | ... | Ditto.   | Ditto. |

*Of Criminal Force and Assault.*

|     |  |                                   |         |       |              |       |   |   |
|-----|--|-----------------------------------|---------|-------|--------------|-------|---|---|
| 352 | Assault or use of criminal force otherwise than on grave provocation.  | Shall not arrest without warrant. | Summons | ...   | Bailable     | ...   | Imprisonment of either description for three months, or fine of five hundred rupees, or both. | Any Magistrate.   |
| 353 | Assault or use of criminal force to deter a public servant from discharge of his duty.                       | May arrest without warrant.       | Warrant | ...   | Ditto        | ...   | Imprisonment of either description for two years, or fine, or both.                           | Magistrate of the District, or Subordinate Magistrate of First Class. |
| 354 | Assault or use of criminal force to a woman with intent to outrage her modesty.                              | Ditto                             | ...     | Ditto | ...          | Ditto | ...   | Ditto.  |
| 355 | Assault or criminal force with intent to dis honour a person otherwise than on grave and sudden provocation. | Shall not arrest without warrant. | Summons | ...   | Ditto        | ...   | Ditto   | Ditto.  |
| 356 | Assault or criminal force in attempt to commit theft of property worn or carried by a person.                | May arrest without warrant.       | Warrant | ...   | Not bailable | ...   | Ditto   | ...   |
| 357 | Assault or use of criminal force in attempt wrongfully to confine a person.                                  | Ditto                             | ...     | Ditto | ...          | Ditto | ...   | Any Magistrate.   |
| 358 | Assault or use of criminal force on grave and sudden provocation   | Shall not arrest without warrant. | Summons | ...   | Bailable     | ...   | Imprisonment of either description for one year, or fine of one thousand rupees, or both.     | Ditto.  |
|     |  |                                   |         |       | Ditto        | ...   | Simple imprisonment for one month, or fine of two hundred rupees, or both.                    | Ditto.  |

*Of Kidnapping, Forcible Abduction, Slavery, and forced Labour.*

|     |             |                             |         |     |              |     |   |                   |
|-----|-------------|-----------------------------|---------|-----|--------------|-----|---|-------------------|
| 363 | Kidnapping. | May arrest without warrant. | Warrant | ... | Not bailable | ... | Imprisonment of either description for seven years, and fine. | Court of Session. |
|-----|-------------|-----------------------------|---------|-----|--------------|-----|---|-------------------|

**CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY—(continued).**  
*Of Kidnapping, Forcible Abduction, Slavery, and forced Labour (continued).*

| Section. | Offence.  | 2   | 3  | 4                        | 5                                       | 6   | 7                      |
|----------|---|---|--|--------------------------|---|---|------------------------|
|          |   | Whether the Police may arrest without warrant or not. | Whether a warrant or a summons shall ordinarily issue in the first instance. | Whether bailable or not. | Punishment under the Indian Penal Code. |   | By what Court triable. |
| 361      | Kidnapping or abducting in order to murder.   | May arrest without warrant.                           | Warrant  | ...                      | Not bailable                            | Transportation for life, or rigorous imprisonment for ten years, and fine.              | Court of Session.      |
| 365      | Kidnapping or abducting with intent secretly and wrongfully to confine a person.            | Ditto   | ...  | Ditto                    | ...                                     | Imprisonment of either description for seven years, and fine.                           | Ditto.                 |
| 366      | Kidnapping or abducting a woman to compel her marriage or to cause her detinement, &c.      | Ditto   | ...  | Ditto                    | ...                                     | Imprisonment of either description for ten years, and fine.                             | Ditto.                 |
| 367      | Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.         | Ditto   | ...  | Ditto                    | ...                                     | Ditto   | Ditto.                 |
| 368      | Concealing or keeping in confinement a kidnapped person.                                    | Ditto   | ...  | Ditto                    | ...                                     | Punishment for kidnapping or detainment.  | Ditto.                 |
| 369      | Kidnapping or abducting a child with intent to take property from the person of such child. | Ditto   | ...  | Ditto                    | ...                                     | Imprisonment of either description for seven years, and fine.                           | Ditto.                 |
| 370      | Buying or disposing of any person as a slave.   | Shall not arrest without warrant.                     | Ditto  | ...                      | Bailable                                | Ditto   | Ditto.                 |
| 371      | Habitual dealing in slaves.   | May arrest without warrant.                           | Ditto  | ...                      | Not bailable                            | Transportation for life, or imprisonment of either description for ten years, and fine. | Ditto.                 |
| 372      | Selling or letting to hire a minor for the purpose of prostitution.                         | Ditto   | ...  | Ditto                    | ...                                     | Imprisonment for either description for ten years, and fine.                            | Ditto.                 |
| 373      | Buying or obtaining possession of a minor for the same purpose.                             | Ditto   | ...  | Ditto                    | ...                                     | Ditto   | Ditto.                 |
| 374      | Unlawful compulsory labour.   | Ditto   | ...  | Ditto                    | ...                                     | Imprisonment of either description for one year, or fine, or both.                      | Any Magistrate.        |

*Of Rape.*

|     |       |                             |             |                  |  |                   |
|-----|-------|-----------------------------|-------------|------------------|--|-------------------|
| 376 | Rape. | May arrest without warrant. | Warrant ... | Not bailable ... | Transportation for life, or imprisonment for either description for ten years, and fine. | Court of Session. |
|-----|-------|-----------------------------|-------------|------------------|--|-------------------|

*Of Unnatural Offences.*

|     |                     |                             |             |                  |  |                   |
|-----|---------------------|-----------------------------|-------------|------------------|--|-------------------|
| 377 | Unnatural offences. | May arrest without warrant. | Warrant ... | Not bailable ... | Transportation for life, or imprisonment for either description for ten years, and fine. | Court of Session. |
|-----|---------------------|-----------------------------|-------------|------------------|--|-------------------|

## CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY.

*Of Theft.*

|     |  |                             |             |                  |   |  |
|-----|--|-----------------------------|-------------|------------------|---|--|
| 379 | Theft.   | May arrest without warrant. | Warrant ... | Not bailable ... | Imprisonment of either description for three years, or fine, or both. | Any Magistrate.                                  |
| 380 | Theft in a building, tent, or vessel.  | Ditto ...                   | Ditto ...   | Ditto ...        | Imprisonment of either description for seven years, and fine.         | Ditto.   |
| 381 | Theft by clerk or servant of property in possession of master or employer.   | Ditto ...                   | Ditto ...   | Ditto ...        | Ditto ...   | Court of Session, or Magistrate of the District. |
| 382 | Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing, such theft, or to retiring after committing it, or to retaining property taken by it. | Ditto ...                   | Ditto ...   | Ditto ...        | Rigorous imprisonment for ten years, and fine.                        | Court of Session.                                |

*Of Retortion.*

|     |   |                                   |             |              |   |  |
|-----|---|-----------------------------------|-------------|--------------|---|--|
| 383 | Retortion.  | Shall not arrest without warrant. | Warrant ... | Bailable ... | Imprisonment of either description for three years, or fine, or both. | Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class. |
| 385 | Putting or attempting to put in fear of injury, in order to commit extorsion. | Ditto ...                         | Ditto ...   | Ditto ...    | Imprisonment of either description for two years, or fine, or both.   | Ditto.   |

## CHAPTER XVII—OF OFFENCES AGAINST PROPERTY—(continued).

*Of Extortion (continued).*

| Section. | Offences.   | 2                                 | 3   | 4   | 5   | 6                                       | 7                      |
|----------|---|-----------------------------------|---|---|---|---|------------------------|
|          |   |                                   | Whether the Police may arrest without warrant or not. | Whether a summons shall or shall not issue in the instance. | Whether bailable or not.                                      | Punishment under the Indian Penal Code. | By what Court triable. |
| 385      | Extortion by putting a person in fear of death or grievous hurt.  | Shall not arrest without warrant. | Warrant.  | Not available   | Imprisonment of either description for ten years, and fine.   | Court of Session.                       |                        |
| 387      | Putting or attempting to put a person in fear of death or grievous hurt, in order to extort.  | Ditto                             | Ditto   | Ditto   | Imprisonment of either description for seven years, and fine. | Ditto.                                  |                        |
| 388      | Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for ten years.                          | Ditto                             | Ditto   | Ditto   | Imprisonment of either description for ten years, and fine.   | Ditto.                                  |                        |
|          | If the offence threatened be an unnatural offence.  | Ditto                             | Ditto   | Ditto   | Transportation for life.                                      | Ditto.                                  |                        |
| 389      | Putting person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment for ten years, in order to extort. | Ditto                             | Ditto   | Ditto   | Imprisonment of either description for ten years, and fine.   | Ditto.                                  |                        |
|          | If the offence be an unnatural offence.   | Ditto                             | Ditto   | Ditto   | Transportation for life.                                      | Ditto.                                  |                        |

*Of Robbery and Dacoity.*

|     |   |                             |         |               |  |  |
|-----|---|-----------------------------|---------|---------------|--|--|
| 392 | Robbery.  | May arrest without warrant. | Warrant | Not available | Rigorous imprisonment for ten years, and fine.                             | Court of Session, or Magistrate of the District. |
|     | If committed on the highway between sunset and sunrise.   | Ditto                       | Ditto   | Ditto         | Rigorous imprisonment for fourteen years, and fine.                        | Ditto.   |
| 393 | Attempt to commit robbery.  | Ditto                       | Ditto   | Ditto         | Rigorous imprisonment for seven years, and fine.                           | Ditto.   |
| 394 | Person reluctantly carrying out in committing or attempting to commit robbery, or any other person generally concerned in such robbery. | Ditto                       | Ditto   | Ditto         | Transportation for life, or rigorous imprisonment for ten years, and fine. | Court of Session.                                |
| 395 | Dacoity.  | Ditto                       | Ditto   | Ditto         | Ditto  | Ditto.   |

|     |  |       |     |       |     |       |     |        |
|-----|--|-------|-----|-------|-----|-------|-----|--------|
| 356 | Murder in drowsiness.  | Ditto | ... | Ditto | ... | Ditto | ... | Ditto. |
| 357 | Robbery or dairty with attempt to cause death or grievous hurt.                                      | Ditto | ... | Ditto | ... | Ditto | ... | Ditto. |
| 358 | Attempt to commit robbery or dairty when armed with deadly weapon.                                   | Ditto | ... | Ditto | ... | Ditto | ... | Ditto. |
| 359 | Making preparation to commit dairty.   | Ditto | ... | Ditto | ... | Ditto | ... | Ditto. |
| 360 | Belonging to a gang of persons associated for the purpose of habitually committing dairty.           | Ditto | ... | Ditto | ... | Ditto | ... | Ditto. |
| 361 | Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts. | Ditto | ... | Ditto | ... | Ditto | ... | Ditto. |
| 362 | Being one of five or more persons assembled for the purpose of committing dairty.                    | Ditto | ... | Ditto | ... | Ditto | ... | Ditto. |

## *Of Criminal Misappropriation of Property.*

|     |   |                                   |         |          |   |                 |  |           |
|-----|---|-----------------------------------|---------|----------|---|-----------------|--|-----------|
| 403 | Dishonest misappropriation of movable property or converting it to one's own use.   | Shall not arrest without warrant. | Warrant | Reliable | Impairment of either description for two years, or fine, or both. | Any Magistrate. | Court of Session, or Magistrate of the District. | District. |
| 404 | Dishonest misappropriation of property, knowing that it was in possession of a licensed person at his death, and that it has not since been in the possession of any person legally entitled to it. | Ditto                             | Ditto   | Ditto    | Impairment of either description for three years, and fine.       | Ditto           | Ditto  | Ditto     |

Criminal Breach of Trust.

|     |                            |                             |  |   |
|-----|----------------------------|-----------------------------|--|---|
| 406 | Criminal process of trial. | May arrest without warrant. | Not lawful to impound, or either despatched for Count of Session, or three years, or fine, or costs. | Magistrate of the District, or Subordinate Magistrate of First Class. |
|-----|----------------------------|-----------------------------|--|---|

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—*(continued)*.*Of Criminal Breach of Trust (continued).*

| Section. | Offence.  | 1                                 | 2           | 3   | 4   | 5                        | 6  | 7                    |
|----------|---|-----------------------------------|-------------|---|---|--------------------------|--|----------------------|
|          |   |                                   |             | Whether the Police may arrest without warrant or not. | Whether a warrant or a summons shall ordinarily issue in the first instance.            | Whether bailable or not. | Punishment under the Indian Penal Code.          | By what Court tried. |
| 407      | Criminal breach of trust by a carrier, wharfinger, &c.                            | May without arrest warrant.       | Warrant ... | Not bailable ...                                      | Imprisonment of either description for seven years, and fine.                           | Ditto ...                | Court of Session, or Magistrate of the District. |                      |
| 408      | Criminal breach of trust by a clerk or servant.                                   | Ditto ...                         | Ditto ...   | Ditto ...   | Ditto ...   | Ditto ...                | Ditto.   |                      |
| 409      | Criminal breach of trust by public servant, or by banker, merchant, or agent, &c. | Shall not arrest without warrant. | Ditto ...   | Ditto ...   | Transportation for life, or imprisonment of either description for ten years, and fine. | Ditto ...                | Ditto.   |                      |

*Of the receiving of Stolen Property.*

|     |   |                      |             |                  |   |  |
|-----|---|----------------------|-------------|------------------|---|--|
| 411 | Dishonestly receiving stolen property, knowing it to be stolen.                   | May without warrant. | Warrant ... | Not bailable ... | Imprisonment of either description for three years, or fine, or both.                   | Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class. |
| 412 | Dishonestly receiving stolen property, knowing that it was obtained by dacoity.   | Ditto ...            | Ditto ...   | Ditto ...        | Transportation for life, or rigorous imprisonment for ten years, and fine.              | Court of Session.  |
| 413 | Habitually dealing in stolen property.  | Ditto ...            | Ditto ...   | Ditto ...        | Transportation for life, or imprisonment of either description for ten years, and fine. | Ditto.   |
| 414 | Assisting in concealment or disposal of stolen property, knowing it to be stolen. | Ditto ...            | Ditto ...   | Ditto ...        | Imprisonment of either description for three years, or fine, or both.                   | Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class. |

*Of Cheating.*

|     |  |                                   |         |          |   |  |
|-----|--|-----------------------------------|---------|----------|---|--|
| 417 | Cheating.  | Shall not arrest without warrant. | Warrant | Bailable | ... Imprisonment of either description for one year, or fine, or both.    | Magistrate of the District, or Subordinate Magistrate of First Class.                      |
| 418 | Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.                 | Ditto                             | Ditto   | Ditto    | ... Imprisonment of either description for three years, or fine, or both. | Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class. |
| 419 | Cheating by personation.   | Ditto                             | Ditto   | Ditto    | Ditto   | Ditto.   |
| 420 | Cheating and thereby dishonestly inducing delivery of property, or the alteration or destruction of a valuable security. | Ditto                             | Ditto   | Ditto    | ... Imprisonment of either description for seven years, and fine.         | Court of Session, or Magistrate of the District.   |

*Of Prudent Devise and Dispositions of Property.*

|     |  |                                   |         |          |   |   |
|-----|--|-----------------------------------|---------|----------|---|---|
| 421 | Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.   | Shall not arrest without warrant. | Warrant | Bailable | ... Imprisonment of either description for two years, or fine, or both. | Magistrate of the District, or Subordinate Magistrate of First Class. |
| 422 | Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.  | Ditto                             | Ditto   | Ditto    | ... Ditto   | Ditto.  |
| 423 | Fraudulent extorting of deed of transfer containing a false statement of consideration.  | Ditto                             | Ditto   | Ditto    | ... Ditto   | Ditto.  |
| 424 | Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled. | Ditto                             | Ditto   | Ditto    | ... Ditto   | Ditto.  |

*Of Mischiefs.*

|     |           |                                   |         |          |  |                 |
|-----|-----------|-----------------------------------|---------|----------|--|-----------------|
| 425 | Mischief. | Shall not arrest without warrant. | Summons | Bailable | ... Imprisonment of either description for three months, or fine, or both. | Any Magistrate. |
|-----|-----------|-----------------------------------|---------|----------|--|-----------------|

## CHAPTER XVII—OFFENCES AGAINST PROPERTY—{continued}.

## of Mischief (continued).

| Section. | Offence.   | 1   | 2  | 3                        | 4                                       | 5   | 6  | 7  |
|----------|--|---|--|--------------------------|---|---|--|--|
|          |  | Whether the Police may arrest without warrant or not. | Whether a warrant or a summons shall ordinarily issue in the first instance. | Whether bailiffs or not. | Punishment under the Indian Penal Code. | Punishment under the Indian Penal Code.                               | By what Court triable.   | By what Court triable.   |
| 427      | Mischief, and thereby causing damage to the amount of fifty rupees or upwards.   | Shall not arrest without warrant.                     | Warrant.   | ...<br>Bailable          | ...<br>Ditto                            | Imprisonment of either description for two years, or fine, or both.   | Magistrate of the District, or Subordinate Magistrate of First Class.                      | Magistrate of the District, or Subordinate Magistrate of First Class.                      |
| 428      | Mischief by killing, wounding, maiming or rendering useless, any animal of the value of ten rupees or upwards.   | Ditto   | ...<br>Ditto   | ...<br>Ditto             | ...<br>Ditto                            | Imprisonment of either description for two years, or fine, or both.   | Ditto.   | Ditto.   |
| 429      | Mischief by killing, poisoning, maiming or rendering useless, any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of fifty rupees or upwards. | Ditto   | ...<br>Ditto   | ...<br>Ditto             | ...<br>Ditto                            | Imprisonment of either description for two years, or fine, or both.   | Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class. | Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class. |
| 430      | Mischief by causing diminution of supply of water for agricultural purposes, &c.   | May arrest without warrant.                           | ...<br>Ditto   | ...<br>Ditto             | ...<br>Ditto                            | Imprisonment of either description for seven years, or fine, or both. | Ditto.   | Ditto.   |
| 431      | Mischief by injury to public road, bridge, river or navigable channel, and rendering it impassable or dangerous for travelling, or conveying property.                                 | Ditto   | ...<br>Ditto   | ...<br>Ditto             | ...<br>Ditto                            | Imprisonment of either description for seven years, or fine, or both. | Ditto.   | Ditto.   |
| 432      | Mischief by causing inundation or obstruction to public drainage attended with damage.   | Ditto   | ...<br>Ditto   | ...<br>Ditto             | ...<br>Ditto                            | Imprisonment of either description for one year, or fine, or both.    | Ditto.   | Ditto.   |
| 433      | Mischief by destroying or maiming or rendering less useful a light-house or beacon, or by exhibiting false lights.   | Ditto   | ...<br>Ditto   | ...<br>Ditto             | ...<br>Ditto                            | Imprisonment of either description for seven years, and fine.         | Magistrate of the District, or Subordinate Magistrate of First Class.                      | Magistrate of the District, or Subordinate Magistrate of First Class.                      |
| 434      | Mischief by destroying or maiming, &c., a landmark fixed by Public authority.  | Shall not arrest without warrant.                     | ...<br>Ditto   | ...<br>Ditto             | ...<br>Ditto                            | Imprisonment of either description for seven years, and fine.         | Court of Session.  | Court of Session.  |
| 435      | Mischief by fire or explosive substance with intent to cause damage to amount of one hundred rupees or upwards.  | May arrest without warrant.                           | ...<br>Ditto   | ...<br>Ditto             | ...<br>Ditto                            | Imprisonment of either description for seven years, and fine.         | Court of Session.  | Court of Session.  |

|     |  |       |     |       |     |              |  |
|-----|--|-------|-----|-------|-----|--------------|--|
| 436 | Mischief by fire or explosive substance, with intent to destroy a house, &c.                       | Ditto | ... | Ditto | ... | Not bailable | Transportation for life, or imprisonment for either description for ten years, and fine. |
| 437 | Mischief with intent to destroy or make unsafe a docked vessel or a vessel of twenty tons burthen. | Ditto | ... | Ditto | ... | Ditto        | Imprisonment of either description for two years, and fine.                              |
| 438 | The mischief described in the last section when committed by fire or any explosive substance.      | Ditto | ... | Ditto | ... | Ditto        | Transportation for life, or imprisonment of either description for ten years, and fine.  |
| 439 | Burning vessel ashore with intent to commit theft, &c.   | Ditto | ... | Ditto | ... | Ditto        | Imprisonment of either description for ten years, and fine.                              |
| 440 | Mischief committed after preparation made for causing death or hurt, &c.                           | Ditto | ... | Ditto | ... | Ditto        | Imprisonment of either description for five years, and fine.                             |

*Of Criminal Preparations.*

|     |  |                             |         |       |          |       |   |
|-----|--|-----------------------------|---------|-------|----------|-------|---|
| 447 | Criminal trespass.   | May arrest without warrant. | Summons | ...   | Bailable | ...   | Imprisonment of either description for three months, or fine of five hundred rupees, or both. |
| 448 | Horse-trespass.  | Warrant                     | ...     | Ditto | ...      | Ditto | Imprisonment of either description for one year, or fine of one thousand rupees, or both.     |
| 449 | House-trespass in order to the commission of an offence punishable with death.                   | Ditto                       | ...     | Ditto | ...      | Ditto | Transportation for life, or rigorous imprisonment for ten years, and fine.                    |
| 450 | House-trespass in order to the commission of an offence punishable with transportation for life. | Ditto                       | ...     | Ditto | ...      | Ditto | Imprisonment of either description for ten years, and fine.                                   |
| 451 | House-trespass in order to the commission of an offence punishable with imprisonment.            | Ditto                       | ...     | Ditto | ...      | Ditto | Imprisonment of either description for two years, and fine.                                   |
|     | If the offence is theft.   | Ditto                       | ...     | Ditto | ...      | Ditto | Imprisonment of either description for seven years, and fine.                                 |
| 5   | 452 House-trespass, having made preparation for causing hurt, assault, &c.                       | Ditto                       | ...     | Ditto | ...      | Ditto | Imprisonment of either description for two years, and fine.                                   |
| 6   | Larking house-trespass or house-breaking.  | Ditto                       | ...     | Ditto | ...      | Ditto | Magistrate of the District, or Subordinate Magistrate of First Class.                         |

## CHAPTER XVII—OFFENCES AGAINST PROPERTY—(continued).

*Of Criminal Trespass (continued).*

| Section. | Offence.   | 3  | 4  | 5   | 6  | 7      |
|----------|--|--|--|---|--|--------|
|          |  | Whether the Police may arrest without warrant or a summons shall or shall not issue in the first instance. | Whether a warrant or a summons shall or shall not issue in the first instance. | Punishment under the Indian Penal Code.                       | By what Court triable.   |        |
| 454      | Larking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.          | May arrest with or without warrant.  | Not liable   | Imprisonment of either description for three years, and fine. | Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class. |        |
|          | If the offence is theft.   | Ditto  | Ditto  | Ditto   | Ditto  | Ditto. |
| 455      | Larking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.                           | Ditto  | Ditto  | Ditto   | Court of Session.  |        |
| 456      | Larking house-trespass or house-breaking by night.   | Ditto  | Ditto  | Ditto   | Imprisonment of either description for three years, and fine.                              |        |
|          |  | Ditto  | Ditto  | Ditto   | Imprisonment of either description for ten years, and fine.                                |        |
| 457      | Larking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment. | Ditto  | Ditto  | Ditto   | Imprisonment of either description for fifteen years, and fine.                            |        |
|          | If the offence is theft.   | Ditto  | Ditto  | Ditto   | Ditto.   |        |
| 458      | Larking house-trespass or house-breaking by night after preparation made for causing hurt, &c.                           | Ditto  | Ditto  | Ditto   | Court of Session.  |        |
| 459      | Grievous hurt caused whilst committing larking house-trespass or house-breaking.   | Ditto  | Ditto  | Ditto   | Ditto.   |        |
| 460      | Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.                | Ditto  | Ditto  | Ditto   | Ditto.   |        |

## CHAPTER XVIII.—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.

|     |   |                                   |         |                     |  |                   |  |  |  |
|-----|---|-----------------------------------|---------|---------------------|--|-------------------|--|--|--|
|     |   |                                   |         |                     |  |                   |  |  |  |
| 465 | Forgery.  | Shall not arrest without warrant. | Warrant | ...<br>Bailable     | ...<br>Imprisonment of either description for two years, or fine, or both.                       | Court of Session. |  |  |  |
| 466 | Forgery of a record of a Court of Justice or of a Register of Births, &c., kept by a public servant.  | Ditto                             | Ditto   | ...<br>Not bailable | ...<br>Imprisonment of either description for seven years, and fine.                             | Ditto.            |  |  |  |
| 467 | Forgery of a valuable security, will, or authority to make or transfer any public security; or to receive any money, &c.  | Ditto                             | Ditto   | ...<br>Ditto        | ...<br>Transportation for life, or imprisonment of either description for ten years, and fine.   | Ditto.            |  |  |  |
|     | When the valuable security is a promissory note of the Government of India.   |                                   |         |                     |  |                   |  |  |  |
| 468 | Forgery for the purpose of cheating.  | May arrest without warrant.       | Ditto   | ...<br>Ditto        | ...<br>Imprisonment of either description for eleven years, and fine.                            | Ditto.            |  |  |  |
|     |   | Shall not arrest without warrant. | Ditto   | ...<br>Ditto        | ...<br>Imprisonment of either description for twelve years, and fine.                            | Ditto.            |  |  |  |
| 469 | Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.  | Ditto                             | Ditto   | ...<br>Ditto        | ...<br>Imprisonment of either description for three years, and fine.                             | Ditto.            |  |  |  |
| 470 | Using as genuine a forged document which is known to be forged.   | Ditto                             | Ditto   | ...<br>Ditto        | ...<br>Punishment for forgery  | Ditto.            |  |  |  |
|     | When the forged document is a promissory note of the Government of India.   | May arrest without warrant.       | Ditto   | ...<br>Ditto        | ...<br>Ditto   |                   |  |  |  |
| 471 | Using as genuine a forged document which is known to be forged.   | Ditto                             | Ditto   | ...<br>Ditto        | ...<br>Not bailable  | Ditto             |  |  |  |
|     |   | Shall not arrest without warrant. | Ditto   | ...<br>Ditto        | ...<br>Ditto   | ...<br>Ditto      |  |  |  |
| 472 | Making or counterfeiting a seal, plate, &c., with intent to defraud or injure, punishable under section 457 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit. | Ditto                             | Ditto   | ...<br>Ditto        | ...<br>Transportation for life, or imprisonment of either description for seven years, and fine. | Ditto.            |  |  |  |
| 473 | Making or counterfeiting a seal, plate, &c., with intent to commit a felony punishable otherwise than under section 457 of the Indian Penal Code, or possessing with like intent any such seal, &c.                                 | Ditto                             | Ditto   | ...<br>Ditto        | ...<br>Imprisonment of either description for seven years, and fine.                             | Ditto.            |  |  |  |
| 474 | Having possession of a document, knowing it to be forged, with intent to use it as genuine.   | Ditto                             | Ditto   | ...<br>Ditto        | ...<br>Ditto   | Ditto.            |  |  |  |

CHAPTER XVIII—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS—*(continued).*

| 1   | 2  | 3  | 4                                       | 5   | 6   | 7   |
|---|--|--|---|---|---|---|
| Offence.  |  |  | Punishment under the Indian Penal Code. |   |   |   |
| Whether the Police may arrest without warrant or not. |  |  | Whether suitable or not.                |   |   |   |
|   |  | Whether a warrant or a summons shall ordinarily issue in the first instance. | Shall not arrest without warrant.       | Warrant<br>Ditto<br>Ditto<br>Ditto<br>Ditto<br>Ditto<br>Ditto | Not suitable<br>Ditto<br>Ditto<br>Ditto<br>Ditto<br>Ditto<br>Ditto<br>Ditto | Court of Session.<br>Ditto.<br>Ditto.<br>Imprisonment of either description for seven years, and fine.<br>Transportation for life, or as above<br>Ditto.<br>Ditto.<br>Ditto.<br>Transportation for life, or imprisonment of either description for seven years, and fine. |
| 475   | Counterfeiting a device or mark used for authenticating documents described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.                  |  |   |   |   |   |
| 476   | Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Indian Penal Code, or possessing counterfeit marked material. |  |   |   |   |   |
| 477   | Praudently destroying or defacing, or attempting to destroy or deface, or severing a will, &c.   |  |   |   |   |   |
| <i>Of Trade and Property-Marks.</i>                   |  |  |   |   |   |   |
|   |  |  | Shall not arrest without warrant.       | Warrant<br>Ditto<br>Ditto<br>Ditto<br>Ditto<br>Ditto<br>Ditto | Not suitable<br>Ditto<br>Summons<br>Ditto<br>Ditto<br>Ditto<br>Ditto        | Magistrate of the District, or Subordinate Magistrate of First Class.<br>Ditto.<br>Court of Session, or Magistrate of the District.<br>Ditto.   |
| 482   | Using a false trade or property-mark with intent to deceive or injure any person.  |  |   |   |   |   |
| 483   | Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.  |  |   |   |   |   |
| 484   | Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.                                       |  |   |   |   |   |
| 485   | Fraudulently making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trademark.                                  |  |   |   |   |   |

*Of Trade and Property-Marks.*

|     |   |       |       |       |   |  |
|-----|---|-------|-------|-------|---|--|
| 487 | Knowingly selling goods marked with a counterfeit property or trademark.  | Ditto | Ditto | Ditto | Imprisonment of either description for one year, or fine, or both.    | Magistrate of the District, or Subordinate Magistrate of First Class.                      |
| 487 | Prudently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c. | Ditto | Ditto | Ditto | Imprisonment of either description for three years, or fine, or both. | Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class. |
| 488 | Making use of any such false mark.  | Ditto | Ditto | Ditto | Ditto   | Ditto.   |
| 489 | Removing, destroying, or defacing any property-mark with intent to cause injury.  | Ditto | Ditto | Ditto | Imprisonment of either description for one year, or fine, or both.    | Magistrate of the District, or Subordinate Magistrate of First Class.                      |

CHAPTER XIX—OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE

|     |  |                                   |            |   |
|-----|--|-----------------------------------|------------|---|
|     |  |                                   |            | Magnitude of the District, or Subordinate Magistrate of First Class.                                  |
| 490 | Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.  | Shall not arrest without warrant. | Situations | In imprisonment of either description for one month, or fine of one hundred rupees, or both.          |
| 491 | Being bound to attend on or supply the wants of a person who is helpless from youth, infirmities of mind, or disease, and voluntarily omitting to do so.   | Ditto                             | Ditto      | In imprisonment of either description for three months, or fine of two hundred rupees, or both.       |
| 492 | Being bound by a contract to render personal services for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and there voluntarily deserting the service or refusing to perform the duty. | Ditto                             | Ditto      | In imprisonment of either description for one month, or fine of double the expense incurred, or both. |

CHAPTER XX—OFEENCES RELATING TO MARRIAGE

|     |   |   |            |   |
|-----|---|---|------------|---|
| 153 | A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief. | Shall not arrest Warrant without warrant. | Not liable | Impairment of either descriptio[n] for ten years, and fine.   |
| 154 | Marrying again during the lifetime of a husband or wife   | None                                      | liable     | Impairment of either descriptio[n] for seven years, and fine. |

## CHAPTER R XX—OFFENCES RELATING TO MARRIAGE—(continued).

| Section | Offence.   | Whether a warrant or a summons shall ordinarily issue in the first instance. | Whether a warrant or a summons shall issue without warrant. | Whether bailable or not. | Punishment under the Indian Penal Code.                              | By what Court triable.      |
|---------|--|--|---|--------------------------|--|-----------------------------|
| 495     | Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.        | Shall not arrest without warrant.  | Warrant   | Not bailable             | Imprisonment of either description for ten years, and fine.          | Court of Session.           |
| 496     | A person with fraudulent intention going through the ceremony of being married, knowing that he is not lawfully married. | Ditto  | Ditto   | Ditto                    | Imprisonment of either description for seven years, and fine.        | Ditto.                      |
| 497     | Adultery.  | Ditto  | Ditto   | Bailable                 | Imprisonment of either description for five years, or fine, or both. | Ditto.                      |
| 498     | Enticing or taking away or detaining with a criminal intent a married woman.   | Ditto  | Ditto   | Ditto                    | Imprisonment of either description for two years, or fine, or both.  | Magistrate of the District. |

## CHAPTER XXI—OF DEFAMATION.

|     |  |                                   |         |          |  |  |
|-----|--|-----------------------------------|---------|----------|--|--|
| 500 | Defamation.  | Shall not arrest without warrant. | Warrant | Bailable | Simple imprisonment for two years, or fine, or both. | Court of Session, or Magistrate of the District. |
| 501 | Printing or engraving matter knowing it to be defamatory.  | Ditto                             | Ditto   | Ditto    | Ditto  | Ditto.   |
| 502 | Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter. | Ditto                             | Ditto   | Ditto    | Ditto  | Ditto.   |
| 503 | If intended to provoke a breach of the peace.  | Ditto                             | Ditto   | Ditto    | Ditto  | Ditto.   |

## CHAPTER XXII—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.

|     |   |                                   |         |              |   |   |
|-----|---|-----------------------------------|---------|--------------|---|---|
| 504 | False statement, rumours, &c., circulated with intent to cause malice or offences against the public peace. | Shall not arrest without warrant. | Warrant | Bailable     | Imprisonment of either description for two years, or fine, or both. | Any Magistrate.   |
| 505 | Criminal intimidation.  | Ditto                             | Ditto   | Not bailable | Ditto   | Magistrate of the District, or Subordinate Magistrate of First Class. |
| 506 | If intended to cause death or grievous hurt, &c.  | Ditto                             | Ditto   | Bailable     | Ditto   | Magistrate of the District, or Subordinate Magistrate of First Class. |

|     |   |       |     |       |     |       |     |       |     |       |     |       |     |       |     |
|-----|---|-------|-----|-------|-----|-------|-----|-------|-----|-------|-----|-------|-----|-------|-----|
| §17 | Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes. | Ditto | ... |
| §18 | Act caused by inducing a person to believe that he will be replaced an object of Divine displeasure.            | Ditto | ... |
| §19 | Uttering any word or making any gesture intended to insult the modesty of a woman.                              | Ditto | ... |
| §20 | Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.              | Ditto | ... |

## CHAPTER XXIII—OF ATTEMPTS TO COMMIT OFFENCES.

|     |   |   |  |  |   |
|-----|---|---|--|--|---|
| §11 | Attempting to commit offence punishable with transportation or imprisonment, and in such attempt doing any act towards the commission of the offence. | According as the offence is one in respect of which the Police may arrest without warrant or not. | According as the offence is one contemplated by the law under which a summons or warrant shall ordinarily issue. | Transportation or imprisonment not exceeding half of the longest term and of the description provided for the offence, or fine, or both. | By the Court by which the offence attempted is triable. |
|-----|---|---|--|--|---|

## OFFENCES AGAINST OTHER LAWS.

|   |                                   |         |       |            |       |         |       |   |
|---|-----------------------------------|---------|-------|------------|-------|---------|-------|---|
| If punishable with death, transportation, or imprisonment for seven years or upwards. | May arrest without warrant.       | Warrant | ...   | Not liable | ...   | ... vs. | ...   | Court of Session  |
| If punishable with imprisonment for more than three and less than seven years.        | Ditto                             | ...     | Ditto | ...        | Ditto | ...     | ..... | Court of Session, or Magistrate of the District.                      |
| If punishable with imprisonment for three years or less than three years.             | Shall not arrest without warrant. | Summons | ...   | Callable   | ...   | .....   | ..... | Magistrate of the District, or Subordinate Magistrate of First Class. |
| If punishable with fine only or with imprisonment for less than one year.             | Ditto                             | ...     | Ditto | ...        | Ditto | ...     | ..... | Any Magistrate.   |

## STATEMENT OF OBJECTS AND REASONS.

The Commissioners appointed by Her Majesty to prepare a body of substantive law for India issued, on the 11th June 1870, a seventh Report relating to the revision of the Code of Criminal Procedure. After making some remarks on Act VIII of 1869, by which the Code was last year amended, the report proceeds to make observations upon certain points submitted for the opinion of the Commissioners by the Secretary of State for India. It adds certain other suggestions as to the improvement of the Code, and it concludes by the following observations :—

" We have endeavoured by this Report to complete the revision of the Code of Criminal Procedure in the manner which appears to have been contemplated by the local Government of India.

" We should not have adopted this method of executing the duty entrusted to us if Act VIII of 1869 had not been passed, but the existing state of the law, as altered by the provisions of that Act, has, in our opinion, rendered this the most expedient course.

" A short Act may be passed, embodying the required provisions on the points regarding which we have reported.

" In that case the original Code, XXV of 1861, with the Act VIII of 1869, and such new Act, would contain the whole law.

" Should it, however, be thought more convenient to consolidate the whole law of procedure in a single Act, this could be effected without difficulty by a process little more than mechanical."

A draft Bill has been prepared, founded upon this Report, but it was impossible to draw it without perceiving that partly by reason of the originally defective arrangement of the Code, and partly by reason of successive amendments made with little reference to its arrangement, the Code was so ill-arranged and obscure that it appeared highly desirable to take the opportunity of re-arranging it in an intelligible and consecutive manner. No doubt there is a strong *prima facie* objection to the alteration of an Act of the first importance, with which most of those who have to administer it have become familiar by practice. The evil, however, is very serious, as the following account of the existing state of the Act will show.

The natural order of arrangement obviously is to follow the course of a criminal trial from the first steps for the apprehension of the offender to the execution of the final order of the Court, and to treat separately of exceptional incidents or detached subjects. To a certain extent this order has been followed in the Code as it stands, but deviations from it have been so frequent that it is extremely difficult for any one to derive from the mere perusal of the Code any connected view of the subject. To appreciate this fully the whole Code as it stands should be read; but some illustrations may be given.

The chapters relating to the prevention of offences, XVIII to XXII, are interposed between the chapters relating to proceedings before Magistrates and trials by the Court of Session. Chapter XVII, which precedes this parenthesis, provides that places where trials are to be held shall be open Courts, and chapter XXIII, which follows it, relates to Jurors and Assessors. Chapter XXIV, which relates to Judges in the Madras Presidency, is strangely prefixed to trials in the Court of Session (chapter XXVI). This is as strangely followed by a chapter (XXVII) about lunatics, the provisions as to the jurisdiction of the Sadr Courts being postponed. So that a student wishing to follow out the course of trial has to skip six chapters in order to learn what happens when a man is committed for trial, and then to skip a seventh chapter in order to learn about the course of appeal.

There is a chapter (III) on Preliminary Rules near the beginning, and another (XXXI) on General Rules at the end, which deal, utterly without any arrangement, with all sorts of subjects which ought to find a place of their own in the Act. Thus, section 43 in the Preliminary Rules provides that witnesses are to be examined on oath, and section 44 that the Court may apply portions of fine in compensation for damages. As for the General Rules, section 431 provides for the employment of interpreters; section 432 gives accused persons a right to be defended by counsel; and section 433 provides for the confinement of youths in reformatories.

The arrangement of the sections is as strange as that of the chapters. Thus, for instance—and it is only one instance—chapter XXIII, on Jurors and Assessors, is thus arranged: sections 322 and 323 prescribe the cases in which trials are to be by jury; section 324 relates to trials by assessors; sections 325-7 settle the composition of juries when Europeans or Americans are tried, and 328 the 'number of voices necessary to a verdict'. So far, the arrangement, though not good, is intelligible; but then come a series of provisions (329-340) about jury-lists, and

the attendance of jurymen; after which come provisions (341—8) about the trial, including objections by the accused or the prosecution, which obviously ought to have preceded section 328. Section 349, which is very long, goes back to summoning juries. Section 351 returns to the subject of majorities, which had been provided for in part by section 328. The confusion is so great that a person coming fresh to the subject would have to read the chapter over several times before it presented to his mind any clear notion.

Where a plan is followed, it is a bad one. Thus, proceedings before Magistrates are put together; but instead of beginning with the simplest (summons cases) and going on to the most serious (commitment cases), this order is inverted.

The most complicated case is put first and the simplest last, and the whole Code has, in consequence, to be disfigured by continual cross-references. Thus, for instance, the mode in which evidence is to be taken in all cases is prescribed in the chapter about commitments, and certain sections in that chapter are embodied by reference in three other chapters, consecutively, with variations.

It would be easy to multiply, to any extent, illustrations of the entire want of arrangement which disfigures the Code, but these are enough. This is not a mere matter of taste. It is of the very highest practical importance in the administration of justice that the course of proceedings prescribed should be easily apprehended as a whole, and that it should be capable of being learnt with the greatest possible ease by those who are to administer it. It must be remembered, in particular, that the Codes have an educational as well as a merely practical value. Judicial officers learn, and are meant to learn, their business in the first instance from the Codes themselves, and it is waste of valuable time to make them needlessly difficult and intricate.

The Code has accordingly been re-arranged, and the draft now published differs from the existing law principally in the fact that it has been so re-arranged.

The first leading distinction recognized in that draft is between those provisions which relate to—

- (1) The trial of offenders;
- (2) The prevention of the commission of crime or continuance of illegal conduct.

It is divided into eleven Parts, of which

nine relate to the punishment of crimes;  
one to the prevention of crimes; and  
one to miscellaneous matters.

The Parts relating to the punishment of crimes are as follows.

Part I deals with the jurisdiction of the Courts in four chapters. They regulate—  
the ordinary jurisdiction of the Courts as to crimes (chapter 1);

the special jurisdiction with which Local Governments in their discretion may invest particular officers, especially Magistrates (chapter 2);

jurisdiction as it varies with respect to persons (chapter 3). This chapter includes all provisions relating to European British subjects, and to offenders liable to be tried for offences committed in Native States or elsewhere. The opportunity has been taken of repealing Act I of 1849, remodelling some of its provisions which are objectionable and even of questionable validity, and introducing the amended provisions in what would seem to be their proper place:

jurisdiction as it varies with respect to place, or, as an English lawyer would say, the law of venue (chapter 4):

Part II deals with proceedings of which the object is to compel the appearance of suspected persons. It contains five chapters upon the following subjects:—

a preliminary enquiry by the Police (chapter 1);  
a complaint in order to the issue of a summons or warrant (chapter 2);  
a summons in slight cases (chapter 3);  
a warrant in cases of more importance (chapter 4);  
arrest without warrant in cases in which delay would be dangerous (chapter 5).

Part III deals with the treatment of the suspected person, whose appearance has been secured by one of the modes prescribed in Part II.

It begins by laying down the general rules that in all Criminal Courts whatever, the accused may be defended by Counsel, and that the places where inquiries and trials are held are open Courts (chapter 1).

It then points out the method of procedure in cases dealt with in a summary way by Magistrates on summons (chapter 2),

or in cases of greater importance, upon warrant, or committed for trial to the Sessions (chapter 3).

As any of the proceedings described in chapters 2 or 3 may, under certain circumstances, be conducted by Subordinate Magistrates, chapter 4 lays down the rules which are to obtain on this subject.

chapter 5 deals with trials before the Court of Session :

chapter 6 states the duties of assessors and jurors in such trials.

Part IV carries on the subject of trial by prescribing the action of the High Courts upon the Courts of first instance. This may be secured either by the act of the party, or by the act of the law, or by the act of the Court. Accordingly

chapter 1 relates to appeals, which depend upon the party :

chapter 2 relates to reference in capital cases, which is a process prescribed by the law :

chapter 3 relates to revision, which is exercised by the High Court in its discretion. As revision is carried on by means of the inspection of returns, and with reference to rules of procedure laid down by the High Court, the sections which empower it to issue such rules and call for such returns are embodied in this chapter.

The ordinary process of inquiry, trial, and final confirmation or reversal of the sentence by the High Court being now complete, the next matter to be considered is the execution of the judgment of the Court.

Accordingly, Part V deals with execution. It prescribes the mode in which warrants to execute sentences are to be issued, and lays down rules as to the levy and application of fines; as to whipping, respecting which four sections have been transferred to this place from Act VI of 1864; as to the infliction of imprisonment; the confinement of young persons in reformatories, and the execution of sentence of transportation and death. Finally, it contains a section as to pardon by which punishments may be remitted.

Part VI relates to the subject of evidence, and includes in separate chapters provisions as to general rules of evidence, the mode of taking down the evidence of witnesses, and the examination of accused persons, summonses to witnesses, and search-warrants.

Part VII relates to proceedings incidental to the inquiry and trial, the ordinary course of which has been thus provided for. These are—

bail, the formation of lists of jurors and assessors, and their attendance.

These rules are necessary to enable trials to be held by the Courts of Session. A few miscellaneous rules, which regulate the mode of disposing of property taken by the Police, warrants of commitment, the allowance of expenses of witnesses, and the employment of interpreters are contained in Part VII; chapter 3.

These are the usual incidents of inquiry and trial; but a person under trial may be insane, or the orders of the Court may be disobeyed. Part VIII, on exceptional incidents, deals with these cases in chapter 1, which relates to lunatics, and chapter 2 which relates to contempt.

The manner of holding trials being now provided for, together with the common and exceptional processes incidental to them, the next subject is what, to borrow a phrase from English law, is called criminal pleading, that is to say, all that relates to written documents by which the questions to be tried are defined, and the result recorded.

These matters are regulated by Part IX.

chapter 1 relates to the charge or indictment;

chapter 2 to the finding, judgment, and sentence; and

chapter 3 to certain cases in which prosecutions cannot be instituted without the consent of specified persons. This completes that part of the Act which relates to the punishment of offences.

We come next to the provisions relating to the prevention of crime, which form the subject of Part X. They are—

security for keeping the peace (chapter 1);

security for good behaviour (chapter 2);

the abatement of nuisances (chapter 3);

settlement of questions about possession (chapter 4);

maintenance of wives and families (chapter 5).

Lastly, Part XI consists of three sections, prescribing the procedure in miscellaneous criminal cases and proceedings, and saving certain exceptional jurisdictions.

Only three important alterations have been made in the substance of the Code.

Firstly, section 47 confers summary jurisdiction on Full Power Magistrates in the Mofussil, who are also Justices of the Peace, over offences committed by European British subjects, on which a summons ordinarily issues in the first instance. It authorizes the infliction of a fine not exceeding rupees 500, and in default of payment, imprisonment for a term not exceeding two months. This is intended to replace 53 Geo. III cap. 155, section 105, Act VII of 1853, and Act XXV of 1861, section 42.

Secondly, section 176 (= section 226 of Act XXV) provides that where the accused is an European British subject, the committing Magistrate shall ask him whether he wishes to be tried by the High Court or the Court of Session. If the accused wishes to be tried by the High Court, he will be sent for trial accordingly. If he wishes to be tried by the Court of Session, the Magistrate will send the accused for trial to such one of these Courts as he thinks fit.

Thirdly, the provisions relating to the number of jurymen by whom a verdict may be given have been changed in accordance with the suggestion of the Commissioners. For the present ambiguous system, section 217 substitutes the simple rule that unanimity or a majority of not less than two-thirds with the concurrence of the Judge, shall be followed by conviction, and any other result by acquittal.

The following minor additions and alterations have been made:—

To section 17 (=section 21 of Act XXV) has been added a clause declaring that Justices of the Peace not being Magistrates shall be guided by the provisions of the Code.

Section 21 embodies Act XXIX of 1845, which gives power to appoint, in the Presidency of Bombay, Joint Sessions Judges.

Section 25 (= Act X of 1854, section 1) empowers Magistrates in charge of divisions of Districts in Bengal to receive and try certain charges unferred.

Sections 39 and 40 (= Act XXVIII of 1867, sections 1 and 2) validates processes signed by certain Magistrates in Petty Sessions.

Sections 48 to 54 (inclusive), as to offences in Foreign States, embody, as above remarked, the provisions of Act I of 1849. But the new sections apply only to subjects of Her Majesty and to persons who within a year before or after the commission of the offence with which they are charged have dwelt for six months within British India, and the offence must have been committed within territory included in or adjacent to some part of British India.

Section 62 (=section 32 of Act XXV) provides expressly that enquiry into the offences of thuggee and dacoity may be made in any District in which the accused happens to be when charged or arrested.

In section 108 (=section 71 of Act XXV) words have been introduced to show how the summons should be served on the accused.

To section 137 (=section 100 of Act XXV) a clause has been added empowering the Police to arrest without warrant desertors from the army. This is now the law in the Bombay Presidency, but not, apparently, elsewhere in British India.

In section 172 (=the second sentence of section 259 of Act XXV) words have been introduced showing that the Magistrate must be competent to try the offence and think he ought to try it.

To section 209 (=section 346 of Act XXV) a clause has been added requiring in all cases the jurors to be sworn.

Section 266 provides for the case of a sentenced prisoner being ill or pregnant. The new clause is modelled on Bombay Regulation XIV of 1827, section 3, clause 2.

Section 292 empowers the Local Governments to direct the evidence of complainants to be taken down in the Magistrate's vernacular. The corresponding section (196) of Act XXV applies only to the evidence of witnesses.

In section 352 (=section 329 of Act XXV) power is given to the Local Government to appoint an officer (other than the Collector) to make out the list of jurors and assessors.

To section 449 (=section 301 of Act XXV), which provides that, in default of giving security for good behaviour, the defaulter shall be committed to prison, a clause has been added providing that the imprisonment may be rigorous or simple, as the Court of Session in each case directs.

To section 457 (=section 63 of Act XXV, as to injunctions against public nuisances) has been added a clause expressly barring appeals against orders under that section.

Section 465 (= section 315 of Act XXV) saves Bombay Act VIII of 1867, section 16.

Section 466 (= section 313 of Act XXV) is extended to cases in which the disputing parties are in joint possession.

Section 469 (= Bengal Regulation XI of 1824, sections 2 and 3) provides for making local inquiries in order to determine boundary-disputes.

Various minor changes in wording, &c., have been made. Chapter XXIV has been omitted as useless; and certain recommendations of the Indian Law Commissioners have been reserved for careful consideration in Committee.

SIMLA;  
The 27th August 1870. }

J. F. STEPHEN.

WHITLEY STOKES,  
Secretary to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th December 1870, and was referred to a Select Committee with instructions to make their report thereon in a month:—

No. 34 of 1870.

## THE INDIAN PAPER CURRENCY BILL, 1870.

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## A BILL TO CONSOLIDATE THE LAW RELATING TO THE GOVERNMENT PAPER CURRENCY.

WHEREAS it is expedient to consolidate the law relating to the Government Paper Currency; It is enacted as follows:—

*I.—Preliminary.*

Short title.

1. This Act may be called "The Indian Paper Currency Act, 1870."

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force on the passing thereof.

Acts repealed.

2. The Acts mentioned in the schedule hereto annexed are repealed.

All appointments made, rules prescribed, circles of issue established, notifications published, and notes issued under any such Act shall be deemed to be respectively made, prescribed, established, published and issued under this Act.

*II.—The Department of Issue.*

3. There shall continue to be a Department of the public service, to be called the Department of Issue, whose function shall be the issue of promissory notes of the Government of India payable to bearer on demand, for such sums, not being less than ten rupees, as the Governor General in Council from time to time directs.

4. At the head of such Department shall be an officer called the Head Commissioner of the Department of Issue, and two other officers, called, respectively, the Commissioner of the Department of Issue at Madras and the Commissioner of the Department of Issue at Bombay.

5. The Governor General in Council may from time to time, by order published in the *Gazette of India*,

establish Districts, to be called Circles of Issue, three of which circles shall include the Towns of Calcutta, Madras and Bombay, respectively,

appoint in each circle some one city or town to be the place of issue of notes, as hereinafter provided,

establish in such city or town an Office or Offices of Issue, and

declare that, for the purposes of this Act, any such city or town (other than Calcutta, Madras or Bombay) shall be deemed to be situate within such Presidency as is specified in the order.

6. For each Circle of Issue other than those which include the Towns of Calcutta, Madras and Bombay, there shall be an officer called the Deputy Commissioner of Issue.

7. For the purposes of this Act, the Commissioners at Madras and Bombay shall be subordinate to the Head Commissioner; the Deputy Commissioners in the Presidency of Fort William in Bengal shall be subordinate to the Head Commissioner;

the Deputy Commissioners in the Presidencies of Fort St. George and Bombay shall be subordinate to the Commissioners of Madras and Bombay, respectively.

8. All officers under this Act shall be appointed, suspended, and may be suspended, and removed, by the Governor General in Council.

*III.—Supply and Issue of Notes.*

9. The Head Commissioner of Issue shall provide and distribute Government of India payable notes, to bearer on demand, of the denominations prescribed under this Act, and shall supply the Commissioners at Madras and Bombay, and the several Deputy Commissioners with such notes as they require for the purposes of this Act.

All such notes shall bear upon them the name of Notes where payable, the city or town from which they are severally issued, and shall be payable only—

at the Office or Offices of Issue of such city or town, and

at the presidency town of the Presidency within which such city or town is situated.

10. The name of the Head Commissioner, of either of the Commissioners, of a Deputy Commissioner, or of some other person authorized by the said Head Commissioner, or by either of the said Commissioners, to sign notes issued under this Act, shall be subscribed to every such note, and may be impressed thereon by machinery.

Names so impressed shall be taken to be valid signatures to all intents and purposes.

11. The Head Commissioner, the Commissioners, and the Deputy Commissioners shall, in their respective Circles of Issue, on the demand of any person, issue from the Office or Offices of Issue established in their respective Circles, promissory notes of the denominations prescribed under this Act, on the terms following:—

*First*, in exchange for the amount thereof in current silver coin of the Government of India; or,

*Secondly*, in exchange for the amount thereof in silver bullion or foreign silver coin, at the rate of nine hundred and seventy-nine rupees per thousand tolas of silver fit for coinage and of the standard fineness prescribed by the Indian Coinage Act, 1870:

Provided that in all places where there is no Mint of the Government of Province. India, any such Head Commissioner, Commissioners, and Deputy Commissioners, may refuse to issue notes in exchange for silver bullion or foreign coin under this section.

**12.** The Governor General in Council may from time to time, by order Issue of notes for published in the *Gazette of gold.* India, direct that notes to an extent to be specified in the order, not exceeding one-fourth of the total amount of issues represented by coin and bullion as herein provided, shall be issued at such Offices of Issue as are named in the order, in exchange for gold coin of full weight of the Government of India or for foreign gold coin or gold bullion, at the rates and according to the rules and conditions fixed by such order.

**13.** The Head Commissioner, Commissioners, and Deputy Commissioners may require any bullion or foreign coin received under section eleven or section twelve, to be melted and assayed. Any loss of weight caused by such melting or assay shall be borne by the person tendering the bullion or coin.

**14.** Every person so tendering bullion or foreign coin and depositing Certificates for bullion, it in any Office of Issue shall, after the expiration of the time necessary for melting and assaying the same, be entitled to receive therefor a certificate signed by the person authorized to issue the notes aforesaid.

Contents of certificate. Such certificate shall—

- (a) acknowledge the receipt of such bullion or foreign coin,
- (b) state the amount of promissory notes of the Government of India, or of such notes and cash, to which the holder is entitled in exchange for such bullion or coin,
- (c) state the interval on the expiration of which, if the certificate be presented to such office, the holder shall be entitled to receive such amount.

**15.** Within any of the said Circles of Issue Notes where legal a note issued under this Act tender. from any Office of Issue in such Circle, shall be a legal tender to the amount expressed in such note, in payment or on account of—

any revenue or other claim to the amount of ten rupees and upwards due to the Government of India,

any sum of ten rupees and upwards due by the Government of India, or by any body corporate or person in British India :

Provided that no such note shall be deemed to be a legal tender by the Government of India at any Office of Issue.

#### IV.—Reserve.

**16.** The whole amount of the coin and bullion Bullion received for notes shall be retained and notes to be kept as a reserve to pay secured as a reserve to pay such notes, with the exception of such an amount, not exceeding sixty millions of rupees, as the Except amount fixed by Governor General in Council, minimum limit of circulation with the consent of the Secretary of State for India, from time to time fixes.

**17.** The amount so fixed shall be published Investment of such in the *Gazette of India* and amount. the whole or such part thereof as the Governor General in Council from time to time fixes shall be invested in securities of the Government of India: the said coin, bullion, and Appropriation of coin, securities shall be appropriated and set apart to provide for the satisfaction and discharge of the said notes; and the said notes shall be deemed to have been issued on the security of the coin, bullion, and securities so appropriated and set apart, as well as on the general credit of the Government:

Provided that any silver bullion or foreign coin received under this Act may be sold or exchanged for bullion and foreign coin. silver coin of the Government of India, and that any gold coin or bullion received under this Act may be sold or exchanged for silver coins or bullion to be so appropriated and set apart instead of the gold coin or bullion.

For the purposes of this section, silver bullion and coin shall be rated at ninety-eight rupees per hundred tolas, and gold bullion and coin at the rates fixed by the Governor General in Council under section twelve.

**18.** The Government securities so purchased shall be held by the Head Commissioner and the Master of the Mint at Calcutta, in trust for the Secretary of State for India in Council.

**19.** The Head Commissioner may, at any time when ordered so to do by the Governor General in Council, sell and dispose of any portion of the above-mentioned limited amount of Government securities.

For the purpose of effecting such sales, the Master of the Mint at Calcutta shall, on a request in writing from the Head Commissioner, at all times sign and endorse such Government securities, and the said Head Commissioner, if so directed by the Governor General of India in Council, may purchase Government Securities to replace such sales.

**20.** The interest accruing due on the securities purchased and held under this Act shall be entered in a separate account, to be annually rendered by the

Interest on such securities to be entered in a separate account.

Head Commissioner to the Governor General in Council.

The amount of such interest shall from time to time, as it becomes due, be paid to the credit of the Government of India, under the head of "Profits of Notes Circulation," and an account showing the amount of such profits and of the charges and expenses incidental thereto, shall be made up and published annually in the *Gazette of India*.

#### V.—Miscellaneous.

**21.** An abstract of the accounts of the Department of Issue showing—  
Monthly abstracts of accounts. the whole amount of notes in circulation,  
the amount of coin and bullion reserved, distinguishing gold from silver, and  
the amount of the Government Securities held by the said Department,  
shall be made up monthly in Calcutta, and published as soon as may be in the *Gazette of India*.

**22.** All notes issued under this Act shall be deemed to be promissory notes of the Government of India, and may be described as promissory notes of the Government of India in all indictments, and in criminal and civil proceedings.

**23.** No body corporate or person in British India shall draw, accept, make or issue any bill of exchange, hundi, promissory note or engagement for the payment of money payable to bearer on demand, or borrow, owe, or take up any sum or sums of money on the bills, hundis or notes payable to bearer on demand, of any such body corporate or of any such person:

Provided that cheques or drafts payable to bearer on demand or otherwise, may be drawn on bankers, shroffs, or agents, by their customers or constituents, in respect of deposits of money in the hands of such bankers, shroffs, or agents, and held by them at the credit and disposal of the persons drawing such cheques or drafts.

**24.** Any body corporate or person committing any offence under section twenty-three shall, on conviction before a Magistrate, be liable to a penalty to the amount of the bill, hundi, note or engagement in respect whereof the offence is committed.

Every prosecution under this section shall be instituted by the Head Commissioner, Commissioner, or Deputy Commissioner, as the case may be, of the Circle of Issue in which such bill, hundi, note or engagement is drawn, accepted, made or issued.

#### Supplementary Powers.

**25.** The Governor General in Council may from time to time, by notification in the *Gazette of India*—

(1) fix the amounts (not being less than ten rupees) for which notes shall be issued under this Act,

(2) alter the limits of any of the said Circles of Issue,

(3) declare the places at which notes shall be issued under this Act,

(4) fix the rates, rules and conditions at and according to which gold may be taken in exchange for Government promissory notes,

(5) fix the charge for melting and assaying bullion and foreign coin received for Government promissory notes,

(6) fix the interval on the expiration of which holders of certificates under section fourteen shall be entitled to receive Government promissory notes,

(7) regulate any matters relative to Paper Currency which are not provided for by this Act,

(8) revoke or alter any notification previously made under this Act.

Every such notification shall come into force on the day therein in that behalf mentioned, and shall have effect as if it were enacted in this Act:

Provided that no notification under clause four of this section shall have effect until six months have elapsed from the date of its appearance in the *Gazette of India*.

#### SCHEDULE.

| Number and year of Act. | Title.  |
|-------------------------|---|
| XIX of 1861 ...         | An Act to provide for a Government Paper Currency.  |
| XXIV of 1861 ...        | An Act to enable the Banks of Bengal, Madras and Bombay to enter into arrangements with the Government for managing the issue, payment and exchange of Government Currency Notes and certain business hitherto transacted by the Government Treasuries. |
| I of 1866 ...           | An Act to amend Act XIX of 1861 (to provide for a Government Paper Currency.)   |
| XXX of 1867 ...         | An Act to amend Act XIX of 1861 (to provide for a Government Paper Currency.)   |
| XV of 1870 ...          | An Act for the further amendment of Act No. XIX of 1861.  |

#### STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to consolidate the law relating to the Government Paper Currency, which is now contained in four Acts, XIX of 1861, I of 1866, XXX of 1867, and XV of 1870. The opportunity has been taken to repeal the obsolete Act XXIV of 1861, and to improve the arrangement and wording of the existing law.

R. TEMPL.

The 19th November 1870.

WHITLEY STOKES,  
Secy. to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 10th December 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 35 of 1870.

## EMIGRATION OF NATIVE LABOURERS' BILL.

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**A BILL TO CONSOLIDATE THE LAWS RELATING TO THE EMIGRATION OF NATIVE LABOURERS.**

WHEREAS it is expedient to consolidate the laws relating to the Emigration of Native Labourers; It is hereby enacted as follows:—

**I.—Preliminary.**

**Short title.**

1. This Act may be called "The Indian Emigration Act, 1871."

**Local extent.**

It extends to the whole of British India;

**Commencement of Act.**

And it shall come into force on the passing thereof.

**Acts repealed.**

2. The Acts mentioned in the first schedule hereto annexed are repealed.

All contracts entered into, appointments made, and licenses granted, under any of the said Acts, shall be deemed to be respectively entered into, made and granted under this Act.

**3. In this Act, unless there be something repugnant in the subject or context:—**

The word "Emigrate" denotes the departure of any Native of India out of British India for the purpose of labouring for hire in some other place; and the word "Emigrant" shall denote any Native of India under engagement to emigrate:

The words "the Magistrate of the District" "The Magistrate of denote any officer exercising the District." in such District the full powers of a Magistrate:

The word "vessel" includes anything made for the conveyance by water of human beings or property.

**II.—Emigration Agents.**

4. The Government of every place to which emigration is lawful under this Act may, from time to time, appoint a person to

act as Emigration Agent in Calcutta, Madras and Bombay respectively, but such nomination shall be subject to the approval of the Local Government.

Every Emigration Agent may be suspended or removed by the Government which appointed him.

5. The remuneration to be given to Emigration Agents shall not depend upon, or be regulated by, the number of Emigrants sent by such Agents, but shall be in the nature of a fixed annual salary.

**III.—Protectors of Emigrants and Medical Inspectors.**

6. The Local Government may appoint a proper person to act as Protector of Emigrants at each of the three ports aforesaid, and may with the sanction of the Governor General of India in Council assign to such person such salary and establishment as shall be deemed proper.

Every Protector of Emigrants may be suspended or removed by the Local Government to which he is subordinate.

7. No Protector of Emigrants appointed under this Act shall, except with the permission of the Local Government, hold any other office under Government, or follow any other profession or occupation.

8. Every Protector of Emigrants, in addition to any special duties assigned to him by this Act, shall, so far as is in his power, generally protect and aid with his advice or otherwise all Emigrants, and shall cause all the provisions of this Act to be duly complied with.

He shall also inspect on arrival all vessels bringing return Emigrants to the port at which he is Protector, and enquire into the treatment received by such Emigrants both during the period of their service

in the place to which they emigrated and also during the voyage, and shall make a report thereon to the Local Government,

and he shall aid and advise such return Emigrants so far as he reasonably can when called upon by them to do so.

**9. At each of the three ports aforesaid, the Local Government may appoint a competent person to be Medical Inspector of**

**Emigrants ; and may, with the sanction of the Governor General of India in Council, assign to the Medical Inspector so appointed such salary as is deemed proper.**

**10. In each of the Towns of Calcutta, Madras**

**Depôts to be established in Calcutta, Madras and Bombay, or in the suburbs of those Towns, the Emigration Agent of every**

**place to which emigration is lawful under this Act, shall establish a suitable depôt for the persons engaged as labourers for such place.**

**11. Every depôt shall be licensed by the Protector of Emigrants, after**

**Licensing of depôts. being inspected and approved of by him and by the Medical Inspector of Emigrants.**

No license shall be in force for a longer period than a year, and any license may be cancelled by the Protector of Emigrants if he considers that the depôt for which it was granted is unhealthy or in any respect has become unsuitable for the purpose for which the depôt was established.

For every license granted under this section there shall be paid to the Protector a fee of fifteen rupees.

**12. Every Protector of Emigrants and every Medical Inspector of Emigrants shall from time to time, and at least once in every week, inspect the**

**Inspection by Protector of and Medical Inspector. Emigrants in the various depôts for the reception of Emigrants about to embark from the port at which they are Protector and Medical Inspector respectively, and examine into the state of the depôts, and the manner in which the Emigrants are therein lodged, fed, clothed and otherwise provided for and attended to.**

**13. The Medical Inspector shall report to the Protector of Emigrants any Report to be made by Medical Inspector. circumstance which may come to his knowledge, showing that the depôt is not suitable for its purpose, or that the Emigrants are treated with any neglect or oppression.**

**14. Every Protector of Emigrants and every Medical Inspector of Emigrants shall be a public servant within the meaning of the Indian Penal Code.**

**Protectors and Medical Inspectors to be public servants. And to have facilities for inspections, &c.**

**15. Every Emigration Agent, and all persons in charge of or employed in any depôt, or in any vessel licensed to carry Emigrants as hereinafter provided, shall give the Protector and the Medical Inspector every facility for making such inspections, examinations and surveys as may be necessary or proper under this Act, and shall afford them all such information as may be reasonably required by them.**

#### *IV.—Recruiters of Labourers.*

**16. The Protector of Emigrants at each of the three ports aforesaid, and the British Consular Agent at each of the French ports in India, shall license so many fit persons as to him seems necessary, to be Recruiters of labourers,**

**and no person shall act or be employed as a Recruiter of labourers except under a license from a Protector of Emigrants or British Consular Agent.**

**17. Every Recruiter shall be licensed to obtain labourers for some particular Recruiter's license. place to which emigration is lawful under this Act, and no license to obtain labourers for any place shall be granted except on the application of the Emigration Agent of such place.**

**18. No license shall be in force for a longer period than one year; and in Duration and cancellation of license. case of misconduct on the part of any Recruiter, the Protector of Emigrants may cancel his license before the expiration of the period for which it was granted.**

**19. Every license shall be in the form set forth Form of license, and in the second schedule hereto fee to be paid. annexed.**

**For every license there shall be paid to the Protector a fee of fifteen rupees.**

**20. Every person holding a license as a Recruiter of labourers shall wear Recruiter to wear badge. a badge bearing the following inscription in English and in the vernacular language of the Town, District or Districts in which he is licensed to engage labourers :—“Recruiter of Emigrants for the Mauritius” (or other places as the case may be).**

**21. No Recruiter shall engage or attempt to engage labourers in any District or in the Towns of Calcutta, Madras or Bombay, without having first exhibited his license to the Magistrate of such District, or a Magistrate of such Town, and obtained the countersignature of such Magistrate thereupon.**

**Such countersignature shall be given, provided that the license is in force at the time.**

#### *V.—Contracts with Emigrant Labourers.*

**22. Except under and in conformity with the Contracts for labour out of India unlawful, provisions of this Act, it shall not be lawful to make any contract with any Native of India for labour to be performed in any place beyond British India, or to enable any Native of India to emigrate, or to assist any Native of India in emigrating :**

**provided that nothing in this Act shall apply— to any contract with any Native of India for labour to be performed in any Foreign Settlement on the mainland of India or in any Native State in India;**

**to emigration to any such Settlement or State; to any contract for labour to be performed in, or to emigration to, the Island of Ceylon; or to any contract with or the emigration of any Native seaman or other person who of his**

own free will contracts to navigate or serve on board of any vessel or who embarks on board such vessel in pursuance of such contract, or any person who contracts to serve as a menial servant only, and who embarks as such menial servant.

*Places for emigration to which contracts may be made with Natives of India to emigrate—*

to any of the British Colonies of Mauritius, Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, Natal, St. Kitts and Seychelles;

to any of the French Colonies of Réunion, Martinique, Guadeloupe and its dependencies, and Guiana,

and to the Danish Colony of St. Croix;

and it shall be lawful to enable or assist any Native of India to emigrate to any such Colony.

**23.** Contracts may be made with Natives of India to emigrate from time to time, by notification published in the *Gazette of India*, declare

that the emigration of Natives of India shall be lawful to any place other than the places mentioned in section twenty-three :

provided that every such notification contain also a declaration, that the Governor General in Council has been duly certified that the Government of the place to which the notification refers has made such laws and other provisions as the Governor General in Council thinks sufficient for the protection of Natives of India emigrating to such place.

**25.** From the date of any such notification contracts may be made with any Native of India for labour to be performed in any place to which emigration is authorized in the notification, and it shall be lawful to enable or assist any Native of India to emigrate to such place;

but all contracts and emigration under such notification shall be made and conducted subject to the provisions of this Act.

*From what ports emigration lawful.*

**26.** Emigration shall not be lawful except from the port of Calcutta, the port of Madras or the port of Bombay.

#### VI.—Registration of Emigrants.

**27.** Every Native of India, who in any place other than the Towns of Calcutta, Madras or Bombay, enters into any engagement with a Recruiter to emigrate,

Natives engaging to emigrate to appear before Magistrate.

shall, before leaving the District within which the engagement was entered into, appear with the Recruiter before the Magistrate of such District, and no Recruiter shall remove such Emigrant from the said District until he has so appeared.

Upon so appearing, the Magistrate shall examine the intending Emigrant with reference to his engagement; and if it appears that he

understands the nature of the engagement he has entered into and that he is willing to fulfil the same, the Magistrate shall register in a book to be kept for the purpose, in such form as the Local Government prescribes,

(a) the name, name of the father, and the age, of such Emigrant,

(b) the name of the village or place of which such Emigrant is a resident,

(c) the Emigration depot to which it is intended he shall proceed, and

(d) the rate of wages and period of service, if any, agreed upon between the Emigrant and the Recruiter.

If the Magistrate thinks that the intending Emigrant does not understand the nature of the engagement, or has been induced to enter into the engagement by fraud or misrepresentation, he shall refuse to register his name.

A copy of every registration under this section, written on substantial paper which shall not require a stamp, shall be furnished by the Magistrate to the Emigrant registered.

**28.** Authentic copies of every such registration

Copy of registration to be sent to Emigration Agent at the depot to which the person named therein has been engaged to proceed, and to the Protector of Emigrants at the intended port of embarkation.

**29.** Every Native of India, who in the towns

Registration of Emigrants recruited in proximity to Calcutta, Madras or Bombay, enters into any engagement with a Recruiter to emigrate, shall, within forty-eight hours of making such engagement, appear with the Recruiter before the Protector of Emigrants in such town; and no Recruiter shall remove such Emigrant from the said town, or to any Emigration depot, until he has so appeared.

Upon his so appearing, the Protector of Emigrants shall examine the intending Emigrant with reference to his engagement; and if it appears that he understands the nature of the engagement he has entered into, and that he is willing to fulfil the same, the Protector of Emigrants shall register in a book to be kept for the purpose, in such form as the Local Government prescribes,

(a) the name, name of the father, and the age, of such Emigrant,

(b) the name of the village or place of which such Emigrant is a resident,

(c) the Emigration depot to which it is intended he shall proceed, and

(d) the rate of wages and period of service, if any, agreed upon between the Emigrant and the Recruiter.

If the Protector of Emigrants thinks that the intending Emigrant does not understand the nature of the engagement, or has been induced to enter into the engagement by fraud or misrepresentation, he shall refuse to register his name.

A copy of every registration under this section, written on substantial paper which shall not require a stamp, shall be furnished by the Protector to the Emigrant registered.

**30.** An authentic copy of every such registration shall be forthwith forwarded by the Protector to be forwarded to Agent, to the Emigration Agent of the place for which the person named therein has been engaged.

**31.** For the registration of every Emigrant under section twenty-seven Fee for registration by Protector or twenty-nine, the Recruiter shall pay to the Magistrate or the Protector of Emigrants, as the case may be, a fee of one rupee and eight annas.

On proof of the desertion of any Emigrant before embarkation, the fee paid in respect of such Emigrant may be refunded by the Magistrate or the Protector to the Recruiter by whom it was paid, under such rules as are from time to time made in that behalf by the Governor General of India in Council.

#### VII.—Conveyance of Emigrants to Depôts.

**32.** (1.) Every Emigrant recruited under the provisions of this Act shall be conveyed by land or river with all convenient despatch to the depôt, at the port of embarkation, established by the Emigration Agent of the place to which such Emigrant has contracted to emigrate.

(2.) The registered Emigrants engaged by any Recruiter shall, while proceeding to a depôt, be accompanied throughout the journey either by the Recruiter himself or by a competent person appointed by him with the approval of the Magistrate by whom the Emigrants have been registered. The Magistrate shall give to the person so appointed a certificate under his signature, stating that he has been appointed for the journey to the depôt.

(3.) Every Recruiter by or through whom Emigrants to be forwarded suitable food and lodgings to a depôt shall, throughout their journey, provide them with suitable lodging and food.

#### VIII.—Arrival at Depôts and Procedure thereon.

**33.** The arrival of each Emigrant at a depôt shall immediately be reported by the person in charge of the depôt to the Emigration Agent, a copy by such Agent to the Protector of Emigrants.

**34.** The copy of the registration of every Emigrant, received by the Emigration Agent from the Magistrate or from the Protector of Emigrants, shall as soon as conveniently may be after the arrival of the Emigrant be shewn to the Medical Inspector of Emigrants; and the Emigrant shall be examined by the Medical Inspector to ascertain if he is in a fit state of health to emigrate to the place to which he has contracted to proceed.

The Medical Inspector, if satisfied of his fitness, shall give a certificate thereof to the Emigration Agent; if satisfied of his unfitness, he shall give a certificate thereof to the Protector of Emigrants.

**35.** If the Medical Inspector certifies that any Emigrant is not in a fit state of health to emigrate back to place of recruitment to the place to which he has contracted to proceed,

or if any irregularity has occurred in the recruitment of any Emigrant,

the Protector of Emigrants may order the Emigration Agent in whose depôt such Emigrant may be, forthwith to pay to him, the Protector of Emigrants, such reasonable sum as is necessary to enable the labourer to return to the place where he was registered, and the Protector may take any steps he thinks necessary for the conveyance of the labourer to such place.

**36.** On failure of the Emigration Agent for twenty-four hours to comply Failure of Emigration Agent to pay sum required to enable emigrant to return with an order of the Protector or for the payment of any such sum, the Protector may pay the same to or on behalf of the Emigrant.

Every sum so disbursed shall be recoverable by the Protector, with six per cent. interest from the date of disbursement, from the Emigration Agent on whose default it is paid, as money paid to the use of such Emigration Agent.

No further proof shall be required by any Court in any such case than that the Protector gave the Emigration Agent an order to pay such money, and that the Emigration Agent for a space of twenty-four hours made default in complying therewith.

Provided that every Emigrant who, from his state of health, is, in the opinion of the Medical Inspector, unfit to undertake the journey back to the place where he was registered, shall, in addition to his being conveyed back at the expense of the Emigration Agent, be entitled to continue in the depôt and to be fed, clothed, lodged and attended to there, by and at the expense of the Emigration Agent, until such time as the Protector otherwise orders.

**37.** The Emigration Agent, in the presence of the Protector of Emigrants and within forty-eight hours after the arrival of each Emigrant at the depôt, shall ascertain by personal communication with such Emigrant whether or not he has been properly fed and otherwise properly treated on his journey to the depôt.

The Emigration Agent shall also, in the presence of the Protector and within such time as aforesaid, examine the copy of the registration furnished to the Emigrant under section twenty-seven or section twenty-nine. If for any reason further enquiry be necessary, such enquiry shall be made forthwith.

Unless the Emigration Agent, with the consent of the Protector, refuses to recognize or to be bound by the contract entered into by the Recruiter with the Emigrant, as shown by the copy of the registration produced by the Emigrant, such copy, if it be a copy furnished under section twenty-seven, shall be countersigned by both the Emigration Agent and the Protector, and if it be a copy furnished under section twenty-nine, shall be countersigned by the Emigration Agent alone. The copy so countersigned, under whichever section it may have been furnished, shall be delivered back to the Emigrant.

If the Emigration Agent, without the consent of the Protector, refuses to be bound by the contract entered into by the Recruiter with the Emigrant, the Protector may thereupon order

Refusal of Agent, without consent of Protector, to be bound by contract made by Recruiter.

the Emigration Agent forthwith to pay to him, the Protector of Emigrants, such reasonable sum as is necessary to enable the Emigrant to return to the place where he was registered. On failure of the Emigration Agent to pay such sum within twenty-four hours of his being ordered so to do, the Protector may pay the same to or on behalf of the Emigrant. All the provisions of section thirty-six as to sums paid by the Protector shall apply, so far as the circumstances of the case permit, to sums paid by him under this section.

The Protector shall also, in every case in which suit against Emigrant it seems to him proper to do so, institute a suit on behalf of the Emigrant against the Emigration Agent, for the recovery of damages for the breach of contract committed by the Emigration Agent.

In every such suit, the contract entered into by the Recruiter shall be deemed to have been entered into by and to be binding on the Emigration Agent.

**38. After the examination mentioned in section thirty-seven, and if the Medical Inspector has given a certificate of the fitness to grant a pass.** After examination and of the Emigrant to emigrate, the Emigration Agent shall deliver to the Emigrant a pass, countersigned by the Protector of Emigrants as hereinafter provided, stating the name and the age of the Emigrant and the name of his father, and certifying that he is in a fit state of health to emigrate to the place to which he has contracted to go.

**39. The Protector of Emigrants shall attend personally at the examination and passing of Emigrants by the Emigration Agent under sections thirty-seven and thirty-eight, and shall see that the Emigration Agent makes all such enquiries of the Emigrants as it may be his duty to make.**

If such Protector is satisfied with such enquiries, but not otherwise, he And to countersign pass. shall countersign the pass delivered by the Emigration Agent.

#### IX.—Emigrant Vessels.

**40. (1.) It shall not be lawful to receive any Emigrant on board any vessel unless a license to carry Emigrants in such vessel has been obtained from the Local Government. The granting or withholding any such license shall be in the discretion of the Local Government.**

(2.) The Master or owner of any vessel who desires to obtain a license to carry Emigrants in such vessel, shall apply in writing through the Protector of Emigrants to the Local Government for such license.

(3.) Every such application shall state the number of men, women, and children proposed to be

carried, and the tonnage and other particulars respecting the vessel.

(4.) The Protector of Emigrants shall cause Survey of vessel. the vessel to be carefully surveyed by a competent person, with a view to ascertain her sea-worthiness and the extent and nature of her accommodation for Emigrants, and to ascertain that she is properly ventilated and is supplied with all the requisite tackle for her voyage.

(5.) The Protector of Emigrants shall make a full report on the survey to Report after survey, the Local Government; and certificate to Master. if he is of opinion that the vessel is in all respects suitable for the carrying of Emigrants under this Act, but not otherwise, he shall give a certificate to that effect to the Master of the vessel.

(6.) In consideration of his obtaining a license to carry Emigrants, the Master Bond to be executed by Master. of every vessel intended to carry Emigrants shall, upon the requisition of the Protector of Emigrants and before any Emigrant embarks on board of such vessel, execute in duplicate a bond, in such form as the Local Government prescribes, binding himself and his owners in a penal sum of ten thousand rupees to conform to the several conditions in this Act provided. The Protector of Emigrants shall require the Master to execute such bond as aforesaid in duplicate, and shall forward one copy of it to the Government of the place to which the Emigrants are to be carried (or in the case of a French colony to the British Consular Agent at such colony) and the other copy of it to the Local Government.

**41. (1.) No certificate under section forty-one shall be granted, unless there be provided for the Emigrants, either between decks or in cabins on the upper deck firmly secured and entirely covered in, a space devoted to their exclusive use. Such cabins and space between decks shall in every part have a height of not less than five foot and a half.**

(2.) No compartment shall take more than one adult Emigrant for every twelve superficial feet on deck, and for every cubic space of seventy-two feet, or more than one child who has completed two and has not completed ten years of age for every eight superficial feet on deck.

(3.) A distinct and separate place shall be fitted up for a hospital in every Emigrant vessel.

(4.) Women and children shall occupy a compartment of the vessel distinct and separate from the compartments of the single men.

(5.) An Emigrant above the age of ten years shall, for the purposes of this Act, count as an adult, and two children from one to ten years of age shall count as one adult.

**42. (1.) There shall be actually laden and on board of every vessel carrying Emigrants, at the time of the departure of such vessel from the port at which they embark,**

(a.) good and wholesome provisions for the use and consumption of the said Emigrants (over and above the victualling of the Captain, officers and crew, and of the cabin and other passengers, if any)

in such quantity and of such description and quality as may be prescribed by any rule framed by the Governor General of India in Council under section fifty-six,

(b.) fuel for cooking such provisions, and

(c.) a supply of water, to the amount of seven gallons for every week of the probable length of the voyage for every Emigrant on board such vessel. Such water shall be carried in tanks or casks to be approved by the Protector of Emigrants. When casks are used, they shall be sweet and tight, of sufficient strength, and if of wood properly charred inside, and shall not be capable severally of containing more than three hundred gallons each: the staves of the water-casks shall not be made of fir, pine or soft wood.

(2.) Every such vessel shall, at the time of

*Surgeon, medicines, and stores.* departure aforesaid, have actually on board and shall carry with her a properly qualified European or Native Surgeon, and such medicines and other stores in such quantity and of such quality as may be prescribed by rules made under section fifty-six.

(3.) When any vessel is destined to call at a

*Supply of water for vessel destined to call at intermediate port.* port or place in the course of her voyage for the purpose of filling up her tanks or casks, a supply of water at the rate hereinbefore mentioned, for every week of the probable length of the voyage to such port or place shall be deemed to be a compliance with this section.

The probable length of the voyage to such port or place shall be determined from time to time by the Protector of Emigrants, subject to the approval of the Local Government.

(4.) When any such vessel is fitted with Nor-

*Supply in vessel fitted with distilling apparatus.* mandy's apparatus, or other apparatus approved by the Protector of Emigrants, for distilling sea-water, and with proper and sufficient means for working the same, a reduction shall be allowed of one-third in the quantity of water required under this section.

(5.) The Protector of Emigrants and the

*Protector and Inspector of Emigrants to ensure compliance with above provisions.* Medical Inspector of Emigrants shall see personally that all the provisions of this section are complied with.

(6.) Before any vessel carrying Emigrants

*Supply of extra cloth-bag.* clears out for any place westward of the Cape of Good Hope, between the first day

of March and the fifteenth day of September, the Protector of Emigrants shall personally see that every Emigrant is supplied with at least one extra double blanket, and that the same is placed with his other clothing or luggage.

Every Emigrant shall be allowed to make use of such double blanket so long as the vessel is outside of the tropics.

(7.) Before any vessel licensed to carry Emi-

*Certificates from Protector of Emigrants and from Emigration Agent.* grants shall be cleared out from the port of Calcutta, Madras or Bombay, the Master of such vessel shall

obtain from the Protector of Emigrants at the port of clearance, and from the Emigration Agent for

the place to which the Emigrants are intended to proceed, certificates, under the hands of such Protector and Emigration Agent respectively, to the effect following, that is to say:—that such Protector and Emigration Agent have, in respect of the Emigrants proceeding in such vessel, done all that is hereinbefore required to be done on the part of such Protector and Emigration Agent respectively; and that all the directions herein contained for ensuring the health, comfort and safety of the Emigrants have been duly complied with, as well as all such rules as the Governor General in Council from time to time frames under section fifty-six.

#### X.—Emigration.

45. If any Emigrant without sufficient cause refuses or neglects Emigrants refusing to embark when called upon by the Emigration Agent so to do, it shall not

be lawful to compel such Emigrant to embark or to put him on board-ship against his will, or to detain him against his will at the dépôt or elsewhere: but nothing in this section shall diminish or affect the civil or criminal liabilities, which such Emigrant incurs by reason or in respect of his refusal or neglect aforesaid.

Every case in which an Emigrant is charged before a Magistrate of a Presidency Town with refusing or neglecting to embark without sufficient cause, shall be heard and determined by such Magistrate in a summary manner, and every such labourer shall, on conviction, be punished in the manner provided in section four hundred and ninety-two of the Indian Penal Code for the punishment of offences under that section.

46. Emigrants may leave India for any place

*Time of sailing for place East of Cape of Good Hope to which emigration is lawful under this Act, at Good Hope.*

For any such place West of the Cape of Good Hope, Emigrants may leave only between the thirty-first of July and the sixteenth of March,

*For other places.* unless they embark in vessels using steam-power, in which case they may leave at any time of the year.

Provided that, in cases of emergency, the Lieutenant Governor of Bengal may permit Emigrants for any place West of the Cape of Good Hope to leave the port of Calcutta between the thirty-first day of July and the first day of April.

47. The Protector of Emigrants shall, from the report of the Medical

*Emigrant unfit to undertake voyage.* Inspector and by personal communication with every

Emigrant before embarkation, ascertain that the Emigrant is in good health and not incapacitated from labour by old age, bodily infirmity, or disease.

If the Protector of Emigrants is of opinion that any Emigrant is in a state of health which makes him unfit to undertake the voyage on which he is about to embark, the Protector shall refuse to permit his embarkation.

The Protector of Emigrants shall also, before the embarkation of any Emigrant, ascertain that

he has in his possession the copy of the registration provided under section twenty-seven or section twenty-nine.

If it appear to the satisfaction of the Protector of Emigrants that any Emigrant has lost such copy, the Protector may furnish such Emigrant with another copy of such registration, to be made from the copy received by the Protector from the Magistrate under section twenty-seven or from the Register kept by himself under section twenty-nine, and shall thereupon allow such Emigrant to embark.

**48.** The Protector of Emigrants shall explain to all Emigrants, prior to their embarkation, the substance of the provisions of this Act so far as they immediately affect such Emigrants.

**49.** (1.) When any Emigrants are about to embark on any vessel, the Emigration Agent for the place to which they are intended to proceed shall furnish the Master of the vessel with five copies of a list, specifying, as accurately as may be, the names, ages and occupations, and the names of the fathers, of the Emigrants about to embark on board such vessel.

(2.) On embarkation, every Emigrant shall deliver to the Master of the vessel the pass granted to him under section thirty-eight; and the Master shall not receive any Emigrant on board unless he delivers up such pass. The Master shall compare the Emigrants who embark and the passes delivered by them with the list furnished by the Emigration Agent, and if the list appear to be correct, and to correspond with the passes delivered and with the Emigrants embarked, the Master shall sign the five copies of the list.

(3.) The Protector of Emigrants shall be personally present at the embarkation of all Emigrants, and shall see that the Master duly compares the list with the passes and Emigrants, and he shall himself also compare the list with the passes and Emigrants.

(4.) When the copies of the list have been signed, the Master shall give two copies to the Protector of Emigrants, who shall sign such copies if he believes them to be correct, and shall return one copy to the Master of the vessel: the other copy shall be filed in the office of the Protector of Emigrants.

(5.) The Protector of Emigrants shall not permit any Emigrant to remain on board who has not a pass, or is not mentioned in the list aforesaid.

(6.) Every pass delivered up to the Master of a vessel under this section shall be returned by him to the Emigrant on arrival at place of destination, the Emigrant by whom the same was delivered up, prior to such Emigrant disembarking on the arrival of the vessel at her place of destination.

**50.** The Master of every vessel carrying Emigrants shall, after the embarkation of the Emigrants and before the departure of the vessel, give to the Emigration Agent at the port from which such vessel is cleared out two others of the five copies of the list of Emigrants mentioned in section forty-nine, duly signed by the Master.

The Emigration Agent shall thereupon sign such copies, and shall return to the Master one of the said copies, which shall, on the arrival of the vessel at the place of destination and previous to the disembarkation of any Emigrant, be delivered by the Master to the Protector of Emigrants, or other the proper officer, at such place.

**51.** The Protector of Emigrants shall, by every vessel which carries Emigrants, send to the Protector of Emigrants or other the proper Government Authority at the place for which the Emigrants embark, a correct and detailed list of all Emigrants embarked in such vessel, compiled from the passes of the Emigrants and from the list signed by the Master aforesaid.

**52.** The Master of every vessel carrying Emigrants from the port of Calcutta to depart within twenty-four hours of embarkation, shall proceed on his voyage and depart with his vessel from Garden Reach within twenty-four hours after the embarkation of such of the Emigrants as shall have first embarked.

**53.** Every vessel sailing from the port of Calcutta with Emigrants shall proceed from Garden Reach to sea under tow of a competent steamer.

**54.** Two copies of this Act and of all rules made by the Governor General of India in Council under section fifty-six, and two copies of a translation of this Act and of such rules, in such language or languages as the Local Government may direct, shall be delivered to the Master of every vessel carrying Emigrants by the Emigration Agent at the time of clearance, and shall be kept on board of every such vessel during the whole voyage.

One of such copies or translations shall, upon request made at any reasonable time to the Master of the vessel, be produced to any Emigrant or passenger for his perusal.

**55.** In case of sickness breaking out on board of any vessel conveying Emigrants to Seychelles, or from Seychelles to Mauritius, such Emigrants may be taken to the quarantine-station of Mauritius.

In such case the Emigrants may, at their option, contract for service at Mauritius, or may proceed to Seychelles.

If they elect to contract for service in Mauritius, such Emigrants shall then be regarded and treated,

in all respects, as if they had emigrated to Mauritius under the provisions of this Act.

#### XI.—Supplementary Powers.

##### 56. The Governor General in Council

Power of the Governor General in Council to make rules consistent with this Act,—

(1.) To regulate the proportion of women to be taken with Emigrants, and the age below or above which children shall not be taken;

(2.) To prescribe the description, quantity and quality of provisions to be taken by vessels carrying Emigrants, the daily allowance of food and water to be issued to each Emigrant during the voyage, and the nature and amount of clothing which shall be supplied to the Emigrants;

(3.) To provide for the medical care of Emigrants during their residence at the depôts and on their voyages;

(4.) To prescribe the nature, quality and quantity of medical drugs and other stores to be carried on board such vessels;

(5.) To provide for the ventilation and cleanliness of such vessels during their voyages, and for their being furnished with a sufficient number of suitable boats for use in case of shipwreck or fire;

(6.) To provide for a journal being kept, by the Surgeon of every such vessel, of the health of the Emigrants, and of his treatment of the sick, together with full explanations of the causes of every death;

(7.) And generally to provide for the security, well-being, and protection of Emigrants.

All such rules shall be published in the *Gazette of India* and shall have effect as if they were contained in this Act.

Provided that, in cases of emergency, the Lieutenant Governor of Bengal may permit any vessel carrying Emigrants to leave the port of Calcutta, although the proportion of women embarked on board such vessel is not in accordance with the said rules.

##### 57. Whenever the Governor General in Council

Power to prohibit emigration to any place to which emigration is allowed.

has reason to believe that in any place to which emigration is lawful under this Act, proper measures have not been taken for the protection of Emigrants immediately upon their arrival in such place or during their residence therein, or for their safe return to India, or to provide a return-passage to India for any such Emigrants at or about the time at which they are entitled to such return-passage, the Governor General in Council may, by notification published in the *Gazette of India*, declare that emigration to such place shall cease and be prohibited from a certain day to be specified in the notification.

##### 58. After any notification has been published

Emigration to places mentioned to be suspended.

under section fifty-seven, emigration to such place as is specified in such notification shall be suspended from the day specified in the notification: but such suspension shall not affect any act done, offence committed, or proceedings commenced before such suspension.

##### 59. During the time of such suspension any provisions of this Act prohibiting emigration, or the aiding or abetting of emigration, or the making of any contract for labour to be

During suspension, laws against emigration to be in force to place specified.

performed by any Native of India out of the British territories in India, shall take effect so far as relates to the place specified in the notification, in the same manner and to the same extent as if emigration to such place had never been declared to be lawful.

##### 60. Whenever the Governor General in Council

Revocation of suspension.

place specified in any notification under section fifty-seven, proper measures have been taken and will be adopted for the protection of Emigrants immediately upon their arrival thereat and during their residence therein, and for their safe return to India, and for providing return-passages to India for such Emigrants at or about the time at which they are entitled to such return-passages, the Governor General in Council may notify in the *Gazette of India* that emigration to such place shall again be allowed from a day to be specified in such notification.

Thereupon all the provisions of this Act authorizing emigration to such place shall, from the day so specified, be revived and have the same effect as if such emigration had not been suspended, except as to acts done, offences committed, and proceedings commenced during the time of such suspension.

##### 61. Whenever the Governor General in Council

Power to prohibit emigration.

that, in any place to which emigration is lawful, the plague or other infectious disease dangerous to human life has broken out,

or that proper measures have not been taken for the protection of Emigrants immediately upon their arrival in such place or during their residence therein,

or for their safe return to India,

or to provide a return-passage to India for any such Emigrants at or about the time at which they are entitled to such return-passage,

the Governor General in Council or the Local Government may, by notification published in the *Gazette of India* or the local Gazette (as the case may be), declare that emigration from British India or from the territories subject to the Local Government (as the case may be) to such place shall cease and be prohibited from a certain day to be specified in the notification.

Any notification issued by the Governor General in Council under this section may be cancelled by notification in the *Gazette of India*.

Any notification issued by the Local Government under this section may be cancelled by order of the Governor General in Council, or by the Local Government.

##### 62. The Governor General in Council may,

Power to increase fees.

from time to time, by notification in the *Gazette of India*, increase any fee payable under sections eleven, nineteen and thirty-one, and may also

in like manner reduce to its present amount any fee so increased:

Provided that no fee shall be increased under this section by more than double such amount.

### XII.—Special Provisions as to French Colonies.

**63.** The French Government may nominate a person to be Emigration Agent under this Act for

Nomination of Agents  
for Calcutta, Madras and  
Bombay.

Proviso. Provided that such person, before entering on the duties of his office under this Act, has been approved by Her Majesty.

**64.** The Emigration Agents so nominated and Powers of Agents. approved as aforesaid shall be authorized, under the conditions prescribed in this Act, to recruit and engage Native labourers for all or any of the French Colonies aforesaid.

**65.** The said Emigration Agents shall act in conformity with the regulations now or hereafter existing for the recruitment Operations of recruitment. of Native labourers for British Colonies, and shall, with regard to the operations of recruitment which are entrusted to them, enjoy for themselves and the persons whom they may employ in the management of the said operations, all the facilities and the advantages afforded to the Emigration Agents for British Colonies.

**66.** The Protector of Emigrants at each of the three British Ports aforesaid, shall act for the British Government as Protector of labourers emigrating under the provisions of this Part of this Act.

In French Ports in India the duty imposed on the British Consular Agents by Article V of the Convention printed in the third schedule hereto annexed shall be performed under such instructions as may be given by the Governor General in Council in this behalf.

**67.** All contracts of service made with Contracts of service, labourers emigrating to French Colonies under this to be made in India. Act, except the contracts Effect of contract. mentioned in clause four of Article IX and clause two of Article X of the said Convention, shall be made in India, and shall bind the Emigrant either to serve a person designated by name, or to serve a person to whom he is allotted by the proper authority on his arrival in the Colony to which he emigrates.

**68.** The contracts of service shall be in accordance with the terms of the said Convention, and shall make provision for—

(1.) The duration of the engagement at the expiration of which the Emigrant shall receive a return-passage to India at the expense of the French Government, and the terms on which he may abandon or renounce his right to a free return-passage.

(2.) The number of days and hours of work.

(3.) The wages, and rations as well as the rate of payment for extra work, and all the advantages promised to the Emigrant.

(4.) Gratuitous medical treatment for the Emigrant, except in cases where, in the opinion of the proper Government officer, his illness has arisen from his own misconduct.

(5.) In every contract of engagement there shall be inserted an exact copy of Articles IX, X, XX and XXI of the said Convention.

**69.** The Governor General in Council may, by order to be published in Power to extend Act the *Gazette of India*, extend to French Colonies not expressly named. this Act to any other French Colony not expressly named herein, at which a British Consular Agent is established and to which the application of the said Convention shall be extended, and in such order may declare the probable length of the voyage to such Colony.

Such declaration shall have the same effect as if it formed part of this section.

**70.** Every Emigrant vessel sailing to a French Colony shall carry an European vessel to carry. Surgeon and an Interpreter.

### XIII.—Penalties.

**71.** Whoever, except under and in conformity with the provisions of this contract of labour. Act, makes any contract with any Native of India for labour to be performed in any place beyond British India to which emigration is not authorized under this Act, shall be deemed to have committed the offence specified in section three hundred and sixty-three of the Indian Penal Code :

And whoever knowingly enables or assists any Native of India to emigrate to any such place, or aids in or abets the emigration of any Native of India to any such place, shall be deemed to have abetted the commission of that offence.

**72.** Whoever, not being a Recruiter duly For recruiting without licensed under this Act, acts being licensed. or is employed as a Recruiter of labourers, or contrary to the provisions of this Act, enters into any contract with a Native of India for labour to be performed by such Native in any place beyond British India, shall be liable to a fine not exceeding five hundred rupees.

**73.** Whoever, being a duly licensed Recruiter, For Recruiter failing removes any Emigrant whom to take engaged labourer. he may engage in any district or place other than the Protector. towns of Calcutta, Madras or Bombay, from such district or place, without such Emigrant having appeared along with the Recruiter before the Magistrate of the District in order that the Emigrant might be examined and registered;

and whoever removes any Emigrant whom he may engage in any one of the towns of Calcutta, Madras or Bombay, from such town, or to an emigration depot, without such Emigrant having appeared with the Recruiter before the Protector of Emigrants in order that the Emigrant might be examined and registered;

and whoever by means of intoxication, violence, For fraudulently inducing. fraud, or false pretences inducing labourer to contract. dues any Native of India to enter into a contract for labour to be performed

by him in any place to which emigration is lawful under this Act, or to proceed to any such place without having entered into any contract;

and whoever fails to supply any Emigrant whom

For not supplying he has engaged, and who is proper food, registered, with suitable food, or otherwise ill-treats such Emigrant on his journey to the depot;

and whoever forwards, sends or conveys any

For not taking labourer such Emigrant otherwise to depot. than is provided in section thirty-two, or to any house

or place in or near the Towns of Calcutta, Madras or Bombay, respectively, other than the depot for the Emigrants for the place at which such Emigrant has contracted to labour,

shall be liable to a fine not exceeding five hundred rupees.

**74. Whoever, being a duly licensed Recruiter,**

For forwarding labourers, forwards or sends any Emigrant from the district or town in which he has registered, without being duly entered into an engagement,

to any emigration depot, without such Emigrant having been duly registered in accordance with the provisions of sections twenty-seven and twenty-nine;

and whoever, being a duly licensed Recruiter, induces or knowingly permits any such Emigrant to leave such district or town, or to proceed to any emigration depot, for the purpose of emigrating to any place, without the Emigrant being duly registered as aforesaid,

shall be liable to a fine not exceeding five hundred rupees.

**75. Whoever, without lawful authority, issues**

For false representation of Government any written order to the Police to assist himself or authority.

any other person to procure labourers to proceed to any place beyond British India, or falsely represents that such labourers are required by the Government or are to be engaged on behalf of Government, shall be liable to a fine not exceeding five hundred rupees.

**76. The Master of any vessel which has not**

For receiving Emigrants in an unlicensed vessel. been licensed as provided in section forty, knowingly receiving any Emigrant

on board in order to convey such Emigrant to any place contrary to the provisions of this Act, shall be liable to imprisonment for a period not exceeding one year, and also to a fine not exceeding one thousand rupees for every such Emigrant received on board, and the vessel shall be liable to be forfeited.

**77. If the Master of any vessel, at the port**

For clearing ship without complying with rules. of Calcutta, the port of Madras, or the port of Bombay, clears such vessel for any place to which emigration is

lawful under this Act, and takes on board any Emigrant without having fully complied with every particular required in sections forty-one and forty-two, he shall be liable to a fine not exceeding two hundred rupees for every Emigrant so taken on board.

**78. If the Master of any vessel, after having cleared such vessel for any place to which emigration is lawful under this Act, takes on board any Emigrant without such Emigrant having been**

For taking on board after clearance Emigrants not entered in list. duly entered in the lists mentioned in sections forty-nine and fifty, and in the manner in those sections prescribed, he shall be liable to a fine not exceeding two hundred rupees for every Emigrant so taken on board.

**79. If after having obtained a certificate in accordance with the provisions of section forty,**

For fraudulent acts whereby certificate becomes inapplicable to vessel. the Master of any vessel cleared for any place to which emigration is lawful under this Act, fraudulently does, or suffers to be done, any act or thing whereby such certificate becomes inapplicable to the altered state of the vessel or other matter to which such certificate relates, he shall be liable to a fine not exceeding five thousand rupees,

and he may also be sued on any bond which he may have executed in consideration of any license obtained for the vessel as originally described.

**80. If the Master of a vessel sailing from the port of Calcutta, licensed**

For proceeding to sea under section forty and without steam. sailing with Emigrants on board, without reasonable excuse causes or allows his vessel to proceed from Garden Reach to sea, or to proceed any part of the distance between Garden Reach and sea, without his vessel being under tow of a competent steamer,

or if such vessel has not left Garden Reach and proceeded on her voyage within the time prescribed in section fifty-two,

the Master of such vessel shall be liable to a fine not exceeding one thousand rupees.

**81. All the powers vested by law in the officers of Customs in regard to the searching and**

Customs officers may search and detain for purposes of this Act. detention of vessels, or otherwise, for the prevention of smuggling on board thereof, may be exercised by such officers for the prevention of the illegal embarkation of Emigrants on board vessels bound for any place to which emigration is lawful under this Act, and of other offences against this Act.

**82. All prosecutions under this Act shall be instituted on information**

Prosecutions under this Act where and how instituted. laid at the instance of an Emigration Agent, or of a Protector of Emigrants, or

of an officer appointed for the purpose by the Local Government, before a Magistrate of Police, or before the Magistrate of the District, according as they shall be instituted for offences committed within or for offences committed beyond the limits of the towns of Calcutta, Madras and Bombay.

All fines imposed under this Act may be recovered, if for offences committed outside the limits of

Mode of recovering fines. the said towns, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

XIV.—Miscellaneous.

**83.** The probable length of the voyages to the places mentioned in section twenty-three, from Calcutta, Madras or Bombay respectively, shall, for the purposes of this Act, be deemed to be as follows:—

FROM CALCUTTA:—

|  |  |
|--|--|
| To Mauritius, Seychelles and Réunion ... | { Between the months of April and October inclusive, ten weeks; and between the months of November and March inclusive, eight weeks. |
|--|--|

|   |               |
|---|---------------|
| To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts and St. Croix, Martinique, Guadeloupe and its dependencies ... | Twenty weeks. |
|---|---------------|

|                      |                   |
|----------------------|-------------------|
| To French Guiana ... | Twenty-six weeks. |
|----------------------|-------------------|

|              |               |
|--------------|---------------|
| To Natal ... | Twelve weeks. |
|--------------|---------------|

FROM MADRAS:—

|  |  |
|--|--|
| To Mauritius, Seychelles and Réunion ... | { Between the months of April and October inclusive, seven weeks; and between the months of November and March inclusive, six weeks. |
|--|--|

|   |                 |
|---|-----------------|
| To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts, St. Croix, Martinique, Guadeloupe and its dependencies, and French Guiana ... | Nineteen weeks. |
|---|-----------------|

|              |            |
|--------------|------------|
| To Natal ... | Ten weeks. |
|--------------|------------|

FROM BOMBAY:—

|  |  |
|--|--|
| To Mauritius, Seychelles and Réunion ... | { Between the months of April and September inclusive, five weeks; and between the months of October and March inclusive, six weeks. |
|--|--|

|   |                 |
|---|-----------------|
| To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts, St. Croix, Martinique, Guadeloupe and its dependencies, and French Guiana ... | Nineteen weeks. |
|---|-----------------|

|              |            |
|--------------|------------|
| To Natal ... | Ten weeks. |
|--------------|------------|

**84.** Every notification under section twenty-four shall state the probable length of the voyages from Calcutta, Madras and Bombay, respectively, to every place to which emigration is thereby authorized, and thereupon such period shall, for the purposes of this Act, be taken to be the probable length of such voyage.

Notification legalizing emigration to new place to give probable length of voyages thereto.

thereby authorized, and thereupon such period shall, for the purposes of this Act, be taken to be the probable length of such voyage.

**85.** The Local Government may from time to time authorize any person invested with the powers of a Magistrate, as defined in the Code of Criminal Procedure, to perform the duties and exercise the powers by this Act assigned to and conferred on the Magistrate of the District.

Every person so authorized shall in all respects for the purposes of this Act be deemed to be included in the words "the Magistrate of the District."

**86.** Nothing in this Act or in any rule to be made by the Governor General in Council under it not to apply to certain vessels under section sixty-one shall apply to any vessel in the service of the Lord Commissioners of the Admiralty, or to any of His Majesty's vessels.

THE FIRST SCHEDULE.

(See section 2.)

| Number and year. | Title.  |
|------------------|---|
| XLVI of 1860.    | To authorize and regulate the Emigration of Native Labourers to the French Colonies.                                  |
| VII of 1862.     | To amend Act XLVI of 1860 (to authorize and regulate the Emigration of Native Labourers to the French Colonies.)      |
| XIII of 1864.    | To consolidate and amend the laws relating to the Emigration of Native Labourers.                                     |
| VI of 1869.      | To amend the law relating to the Emigration of Native Labourers.  |
| VI of 1870.      | To enable the Governor General in Council to increase the fee payable under section thirty-one of the Emigration Act. |

THE SECOND SCHEDULE.

(See section 19.)

Office of the Protector of Emigrants at the Port of A B is hereby licensed under the Indian Emigration Act, 1871, to be a Recruiter for engaging persons to proceed to for the purpose of labouring for hire.

This license will be in force for one year only from this date.

Dated the day of

(Signed) C. D.,  
Protector of Emigrants.

THE THIRD SCHEDULE.

(See sections 66, 67 and 68.)

Convention between Her Majesty and the Emperor of the French relative to the Emigration of Labourers from India to the French Colonies, with an additional article thereto annexed.

Signed at Paris, July 1861.

[Ratifications exchanged at Paris, July 30th, 1861.]

His Majesty the Emperor of the French having made known, by a declaration dated this day (1st July 1861), his resolution to put an end to the recruitment upon the coast of Africa of negro labourers by means of redemption and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland desiring, in consequence, to facilitate the immigration of free labourers into the French Colonies, their said Majesties have resolved to conclude

Convention destined to regulate the recruitment of such labourers in the British territories in India. For this purpose they have named as their Plenipotentiaries:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Most Honourable Henry Richard Charles Earl Cowley, Her Majesty's Ambassador Extraordinary and Plenipotentiary to the Emperor of the French;

And His Majesty the Emperor of the French, M. Edouard Antoine Thoreau, Senator, His Minister and Secretary of State for the Department of Foreign Affairs;

Who, after having communicated to each other their respective full powers, bound in due form, have agreed upon the following Articles:—

#### ARTICLE I.

The French Government shall be at liberty to recruit and engage labourers for the French Colonies in the Indian Territories belonging to Great Britain, and embark Emigrants being subjects of Her Britannic Majesty, either in British or French Ports in India, under the conditions hereinafter stipulated.

#### ARTICLE II.

The French Government shall entrust the direction of its operations in every centre of recruitment to an Agent chosen by itself.

These Agents must be approved by the British Government.

Such approval is assimilated, with regard to the right of granting and withdrawal, to the Exequatur given to Consular Agents.

#### ARTICLE III.

This recruitment shall be effected conformably to the regulations which now exist, or may hereafter be established, for the recruitment of labourers for British Colonies.

#### ARTICLE IV.

The French Agent shall, with regard to the operations of recruitment which are intrusted to him, enjoy for himself and for the persons whom he may employ, all the facilities and advantages afforded to the Recruiting Agents for British Colonies.

#### ARTICLE V.

The Government of Her Britannic Majesty shall appoint in those British Ports where Emigrants may be embarked, an Agent who shall be specially charged with the care of their interests.

In French Ports the same duty with regard to Indian subjects of Her Britannic Majesty shall be confided to the British Consular Agent.

Under the term "Consular Agents" are comprised Consuls, Vice-Consuls, and all other Commissioned Consular Officers.

#### ARTICLE VI.

No Emigrant shall be embarked unless the Agent described in the preceding Article shall have been enabled to satisfy himself, either that the Emigrant is not a British subject or, if a British subject, that his engagement is voluntary, that he has a perfect knowledge of the nature of his contract, of the place of his destination, of the probable length of his voyage, and of the different advantages connected with his engagement.

#### ARTICLE VII.

The contracts of service, with the exception provided for by section 4 of Article IX, and by section 2 of Article X, shall be made in India, and shall either bind the Emigrant to serve a person designated by name, or to serve a person to whom he shall be allotted by the proper authority on his arrival in the Colony.

#### ARTICLE VIII.

The contracts shall, moreover, make stipulation for:—

1. The duration of the engagement, at the expiration of which the Emigrant shall receive a return-passage to India at the expense of the French Government, and the terms on which it will be competent to him to abandon or renounce his right to a free return-passage.

2. The number of days and hours of work.

3. The wages and rations, as well as the rate of payment for extra work, and all the advantages promised to the Emigrant.

4. Individual medical treatment for the Emigrant, except in cases where, in the opinion of the proper Government officer, his illness shall have arisen from his own misconduct.

In every contract of engagement there shall be inserted an exact copy of Articles IX, X, XX and XXI of the present Convention.

#### ARTICLE IX.

1. The duration of the Immigrant's engagement shall not be more than five years. In case, however, he shall be duly proved to have absented himself from work, he shall be bound to serve a number of days equal to the time of his absence.

2. At the expiration of that period, every Indian who shall have attained the age of ten years at the time of his departure from India, shall be entitled to a return-passage at the expense of the French Government.

3. If he can show that his conduct has been regular, and that he has the means of subsistence, he may be allowed to reside in the Colony without any engagement; but from that time he will lose his right to a free return-passage.

4. If he consents to contract a new engagement, he will be entitled to a bounty, and will retain his right to a return-passage at the expiration of this second engagement.

The right of the Immigrant to a return-passage extends to his wife, and to his children who quitted India under the age of ten years, as well as to those born in the Colonies.

#### ARTICLE X.

The Immigrant shall not be bound to work more than six days in seven nor more than nine hours and a half a day.

The conditions of task-work and every other kind of regulation for work, shall be freely arranged with the labourer. The obligation to provide, on holidays, for the care of animals and the necessities of daily life, shall not be considered as work.

#### ARTICLE XI.

In British Ports, the arrangements which precede the departure of the Emigrants shall be conformable to those prescribed by the regulations for the British Colonies.

In French Ports, the Emigration Agent or his deputies shall, on the departure of every Emigrant ship, deliver to the British Consular Agent a nominal list of the Emigrants who are subjects of Her Britannic Majesty, with a description of their persons, and shall also communicate to him the contracts of which he may require copies.

In such case, only one copy shall be given of all contracts of which the provisions are identical.

#### ARTICLE XII.

In the Ports of embarkation, the Emigrants who are subjects of Her Britannic Majesty shall be at liberty, conforming to the regulations of Police relative to such establishments, to leave the depots, or other place in which they may be lodged, in order to communicate with the British Agents, who on their part may at any reasonable hour visit the places in which the Emigrants, subjects of Her Britannic Majesty, are collected or lodged.

#### ARTICLE XIII.

Emigrants may leave India for the Colonies to the East of the Cape of Good Hope at all times of the year.

For other Colonies they may leave only from the first of August to the fifteenth of March. This arrangement applies only to sailing vessels; vessels using steam-power may leave at any time of the year.

Every Emigrant sailing from India for the Antilles between the first of March and the fifteenth of September, shall receive at least one double blanket over and above the clothing usually allowed to him, and may make use of it so long as the vessel is outside of the Tropics.

#### ARTICLE XIV.

Every Emigrant vessel must carry an European Surgeon and an Interpreter.

The Captains of Emigrant vessels shall be bound to take charge of any despatch which may be delivered to them by the British Agent at the Port of embarkation for the British Consular Agent at the Port of destination and to deliver it to the Colonial Government immediately after his arrival.

#### ARTICLE XV.

In every vessel employed for the conveyance of Emigrants, subjects of Her Britannic Majesty, the Emigrants shall

occupy, either between decks, or in cabins on the upper deck firmly secured and entirely covered in, a space devoted to their exclusive use. Such cabins and space between decks shall in every part have a height of not less than five feet and a half.

No compartment shall take more than one adult Emigrant for every cubic space of seventy-two feet in the Presidency of Bengal and at Chandernagore, and for every cubic space of sixty feet in other French Ports, and in the Presidencies of Bombay and Madras.

An Emigrant above the age of ten years shall count as an adult, and two children from one to ten years of age shall count as one adult.

A place shall be fitted up for a hospital in every Emigrant ship.

Women and children shall occupy compartments of the vessel distinct and separate from those of the men.

#### ARTICLE XVI.

Each shipment of Emigrants shall include a proportion of women equal to at least one-fourth of the number of men. After the expiration of three years, the numerical proportion of women shall be raised to one-third; after two years more, it shall be raised to one-half; and after a further period of two years, the proportion shall be the same as may be fixed for the British Colonies.

#### ARTICLE XVII.

The British Agents at the embarkation shall have, at all reasonable times, the right of access to every part of the ship which is appropriated to the use of Emigrants.

#### ARTICLE XVIII.

The Governors of the French establishments in India shall make such administrative regulations as may be necessary to ensure the complete execution of the preceding stipulations.

#### ARTICLE XIX.

On the arrival of an Emigrant ship in any French Colony, the Government shall cause to be transmitted to the British Consular Agent any despatches which it may have received for him together with—

1. A nominal list of all labourers disembarked who are subjects of Her Britannic Majesty.

2. A list of the deaths or births which may have taken place during the voyage.

The Colonial Government shall take the necessary measures to enable the British Consular Agent to communicate with the Emigrants before their distribution in the Colony.

A copy of the "List of distribution" shall be delivered to the Consular Agent.

He shall be informed of all deaths and births which may occur during the period of engagement, as well as of all changes of employer, and of all departures on a return-passage.

Every fresh engagement, or act of renunciation of the right to a free return-passage, shall be communicated to the Consular Agent.

#### ARTICLE XX.

All Immigrants, being subjects of Her Britannic Majesty, shall, in the same manner as other subjects of the British Crown, and conformably to the ordinary rules of international law, enjoy, in the French Colonies, the right of claiming the assistance of the British Consular Agents; and no obstacle shall be opposed to the labourer's resorting to the Consular Agent and communicating with him; without prejudice, however, to the obligations arising out of his engagement.

#### ARTICLE XXI.

In the distribution of labourers no husband shall be separated from his wife, nor any father or mother from their children under fifteen years of age. No labourer shall be required to change his employer without his own consent, unless he be transferred to the Government, or to the person who has acquired the property on which he is employed.

Immigrants who may become permanently incapable of work, either by sickness or by any other cause beyond their own control, shall be sent back at the expense of the French Government, whatever time may still be wanting to entitle them to a free return-passage.

#### ARTICLE XXII.

All operations of immigration may be carried on in the French Colonies by French or British vessels without distinction.

British vessels which may engage in those operations shall be bound to conform to all the measures of Police, Health, and equipment which may apply to French vessels.

#### ARTICLE XXIII.

The Labour-regulations of Martinique shall serve as the basis, for all the regulations of the French Colonies into which Indian Emigrants, subjects of Her Britannic Majesty, may be introduced.

The French Government engages not to introduce into those regulations any modification, the result of which would be to place the said Indian subjects in an exceptional position, or to impose upon them conditions of labour more stringent than those prescribed by the said regulations.

#### ARTICLE XXIV.

The present Convention applies to emigration to the Colonies of Réunion, Martinique, Guadeloupe and its dependencies, and Guyana.

It may hereafter be applied to immigration to other Colonies in which British Consular Agents shall be established.

#### ARTICLE XXV.

The provisions of the present Convention relative to the Indian subjects of Her Britannic Majesty shall apply to the Natives of every Indian State which is under the protection or political control of Her said Majesty, or of which the Government shall have acknowledged the supremacy of the British Crown.

#### ARTICLE XXVI.

The present Convention shall begin to take effect on the first of September 1861, and shall continue in full force for three years and a half. It shall remain in full force, if notice for its termination be not given in the course of the month of September of the third year, and then notice can be given only in the course of September of each succeeding year.

In case of notice being given for its termination, it shall cease eighteen months afterwards.

Nevertheless the Governor General of British India in Council shall, in conformity with the Act of the 19th of September, 1856, relative to immigration to British Colonies, have the power to suspend at any time emigration to any one or more of the French Colonies, in the event of his having reason to believe that in any such Colony proper measures have not been taken for the protection of the emigrants immediately upon their arrival or during their residence therein, or for their safe return to India, or to provide a return-passage to India for any such emigrants at or about the time at which they are entitled to such return-passage.

In case, however, the power thus reserved to the Governor General of British India should at any time be exercised, the French Government shall have the right immediately to terminate the whole Convention, if they should think proper to do so.

But in the event of the determination of the present Convention, from whatever cause, the stipulations relative to Indian subjects of Her Britannic Majesty introduced into the French Colonies shall be maintained in force in favour of the said Indian subjects, until they shall either have been sent back to their own country, or have renounced their right to a return-passage to India.

#### ARTICLE XXVII.

The present Convention shall be ratified, and the ratifications shall be exchanged at Paris in four weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 1st day of July, in the year of our Lord one thousand eight hundred and sixty-one.

(L. S.) COWLEY.  
(L. S.) THOUVENEL.

## ADDITIONAL ARTICLE.

His Majesty the Emperor of the French having stated that, in consequence of the order which he gave long ago that no more African Emigrants should be introduced into the Island of Réunion, that Colony has, since last year, had to obtain labourers from India and China; and Her Britannic Majesty having, by a Convention signed on the 26th of July 1860, between Her Majesty and His Majesty the Emperor of the French, authorized the Colony of Réunion to recruit six thousand labourers in her Indian possessions, it is agreed that the Convention of this date shall take effect forthwith, with regard to the said Colony of Réunion.

The present Additional Article shall have the same force and validity as if it were inserted, word for word, in the Convention signed this day. It shall be ratified, and the ratifications shall be exchanged at the same time as those of the Convention.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 1st of July, 1861.

(L. S.) COWLEY.  
(L. S.) THOUVENEL.

## STATEMENT OF OBJECTS AND REASONS.

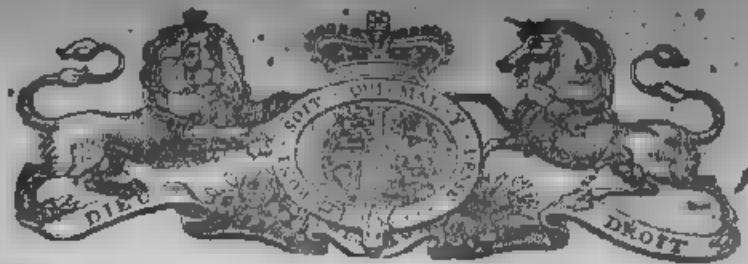
This Bill forms part of the scheme for consolidating the Acts and Regulations, the execution of which commenced in 1867, has since been steadily progressing, and is now being actively carried out. It consolidates the five Acts in which the law on the subject of coolie emigration is contained. The opportunity has been taken to improve, here and there, the wording and arrangement of that law; but no alteration has been made in its substance.

F. S. CHAPMAN.

\* The 30th November 1870.

WHITLEY STOKES,  
Secy. to the Govt. of India.

*Printed and Published for the GOVT. OF INDIA, at the Office of SUPRT. GOVT. PRINTING, 8, Hastings Street, Calcutta.*



# The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, DECEMBER 31, 1870.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th December 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 85 of 1870.

### EMIGRATION OF NATIVE LABOURERS' BILL.

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**A BILL TO CONSOLIDATE THE LAWS RELATING TO THE EMIGRATION OF NATIVE LABOURERS.**

WHEREAS it is expedient to consolidate the laws relating to the Emigration of Native Labourers; It is hereby enacted as follows:—

*I.—Preliminary.*

*Short title.*

1. This Act may be called "The Indian Emigration Act, 1871."

*Local extent.*

It extends to the whole of British India;

*Commencement of Act.*

And it shall come into force on the passing thereof.

2. The Acts mentioned in the first schedule hereto annexed are repealed.

*Acts repealed.* All contracts entered into, appointments made, and licenses granted, under any of the said Acts, shall be deemed to be respectively entered into, made and granted under this Act.

3. In this Act, unless there be something repugnant in the subject or context:—

The word "Emigrate" denotes the departure of any Native of India out of British India for the purpose of labouring for hire in some other place; and the word "Emigrant" shall denote any Native of India under engagement to emigrate:

The words "the Magistrate of the District" "The Magistrate of denote any officer exercising the District." in such District the full powers of a Magistrate:

The word "vessel" includes anything made for the conveyance by water of human beings or property.

4. The Governor in Council.

*Appointment of Emigration Agents.* Agent of every place to which emigration is lawful under this Act may, from time to time, appoint a person to

act as Emigration Agent in Calcutta, Madras and Bombay respectively, but such nomination shall be subject to the approval of the Local Government.

Every Emigration Agent may be suspended or removed by the Government which appointed him.

5. The remuneration to be given to Emigration Agents shall not depend upon, or be regulated by, the number of Emigrants sent by such Agents, but shall be in the nature of a fixed annual salary.

*III.—Protectors of Emigrants and Medical Inspector.*

6. The Local Government may appoint a proper person to act as Protector of Emigrants at each of the three ports aforesaid, and may with the sanction of the Governor General of India in Council assign to such person such salary and establishment as shall be deemed proper.

Every Protector of Emigrants may be suspended or removed by the Local Government to which he is subordinate.

7. No Protector of Emigrants appointed under this Act shall, except with the permission of the Local Government, hold any other office under Government, or follow any other profession or occupation.

8. Every Protector of Emigrants, in addition to any special duties assigned to him by this Act, shall, so far as in his power, generally protect and aid with his advice or otherwise all Emigrants, and shall cause all the provisions of this Act to be duly complied with.

He shall also inspect on arrival all vessels bringing return Emigrants to the port at which he is Protector, and enquire into the treatment received by such Emigrants both during the period of their service

in the place to which they emigrated and also during the voyage, and shall make a report thereon to the Local Government,

and he shall aid and advise such return Emigrants so far as he reasonably can when called upon by them to do so.

**9.** At each of the three ports aforesaid, the Local Government may appoint a competent person to be Medical Inspector of

Emigrants; and may, with the sanction of the Governor General of India in Council, assign to the Medical Inspector so appointed such salary as is deemed proper.

**10.** In each of the Towns of Calcutta, Madras and Bombay, or in the suburbs of those Towns, the Emigration Agent of every place to which emigration is lawful under this Act, shall establish a suitable dépôt for the persons engaged as labourers for such place.

**11.** Every dépôt shall be licensed by the Protector of Emigrants, after being inspected and approved of by him and by the Medical Inspector of Emigrants.

No license shall be in force for a longer period than a year, and any license may be cancelled by the Protector of Emigrants if he considers that the dépôt for which it was granted is unhealthy or in any respect has become unsuitable for the purpose for which the dépôt was established.

For every license granted under this section there shall be paid to the Protector a fee of fifteen rupees.

**12.** Every Protector of Emigrants and every Medical Inspector of Emigrants shall from time to time, and at least once in

every week, inspect the Emigrants in the various dépôts for the reception of Emigrants about to embark from the port at which they are Protector and Medical Inspector respectively, and examine into the state of the dépôts, and the manner in which the Emigrants are therein lodged, fed, clothed and otherwise provided for and attended to.

**13.** The Medical Inspector shall report to the Protector of Emigrants any circumstance which may come to his knowledge, showing that the dépôt is not suitable for its purpose, or that the Emigrants are treated with any neglect or oppression.

**14.** Every Protector of Emigrants and every Medical Inspector of Emigrants shall be a public servant within the meaning of the Indian Penal Code.

**15.** Every Emigration Agent, and all persons in charge of or employed in any dépôt, or in any vessel licensed to carry Emigrants as hereinafter provided, shall give the Protector and the Medical Inspector every facility for making such inspections, examinations and surveys as may be necessary or proper under this Act, and shall afford them all such information as may be reasonably required by them.

#### IV.—Recruiters of Labourers.

**16.** The Protector of Emigrants at each of the three ports aforesaid, and Protector of Emigrants to license Recruiters at each of the French ports in India, shall license so many fit persons as to him seems necessary, to be Recruiters of labourers,

and no person shall act or be employed as a Recruiter of labourers except under a license from a Protector of Emigrants or British Consular Agent.

**17.** Every Recruiter shall be licensed to obtain labourers for some particular place to which emigration is lawful under this Act, and no license to obtain labourers for any place shall be granted except on the application of the Emigration Agent of such place.

**18.** No license shall be in force for a longer period than one year; and in case of misconduct on the part of any Recruiter, the Protector of Emigrants may cancel his license before the expiration of the period for which it was granted.

**19.** Every license shall be in the form set forth Form of license, and in the second schedule hereto be to be paid. annexed.

For every license there shall be paid to the Protector a fee of fifteen rupees.

**20.** Every person holding a license as a Recruiter of labourers shall wear Recruiter to wear badge. a badge bearing the following inscription in English and in the vernacular language of the Town, District or Districts in which he is licensed to engage labourers:—"Recruiter of Emigrants for the Mauritius" (or other place as the case may be).

**21.** No Recruiter shall engage or attempt to engage labourers in any District or in the Towns of Calcutta, Madras or Bombay, without having first exhibited his license to the Magistrate of such District, or a Magistrate of such Town, and obtained the countersignature of such Magistrate thereupon.

Such countersignature shall be given, provided that the license is in force at the time.

#### V.—Contracts with Emigrant Labourers.

**22.** Except under and in conformity with the provisions of this Act, it shall not be lawful to make any contract with any Native of India for labour to be performed in any place beyond British India, or to enable any Native of India to emigrate, or to assist any Native of India in emigrating:

provided that nothing in this Act shall apply—  
to any contract with any Native of India for labour to be performed in any Foreign Settlement on the mainland of India or in any Native State in India;

to emigration to any such Settlement or State;  
to any contract for labour to be performed in, or to emigration to, the Island of Ceylon; or

to any contract with or the emigration of any Native seaman or other person who of his

own free will contracts to navigate or serve on board of any vessel or who embarks on board such vessel in pursuance of such contract, or any person who contracts to serve as a menial servant only, and who embarks such menial servant.

*Places for emigration*      **23.** Contracts may be made with Natives of India to which contracts may be made with Natives to emigrate—

to any of the British Colonies of Mauritius, Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, Natal, St. Kitts and Seychelles;

to any of the French Colonies of Réunion, Martinique, Guadeloupe and its dependencies, and Guiana,

and to the Danish Colony of St. Croix;

and it shall be lawful to enable or assist any Native of India to emigrate to any such Colony.

**24.** The Governor General in Council may, from time to time, by notification published in the *Gazette of India*, declare

that the emigration of Natives of India shall be lawful to any place other than the places mentioned in section twenty-three:

provided that every such notification contain also a declaration, that the Governor General in Council has been duly certified that the Government of the place to which the notification refers has made such laws and other provisions as the Governor General in Council thinks sufficient for the protection of Natives of India emigrating to such place.

**25.** From the date of any such notification contracts may be made with any Native of India for

Contracts may be made for emigration to such other places.

any place to which emigration is authorized in the notification, and it shall be lawful to enable or assist any Native of India to emigrate to such place;

but all contracts and emigration under such notification shall be made and conducted subject to the provisions of this Act.

*From what ports emigration lawful.*      **26.** Emigration shall not be lawful except from the port of Calcutta, the port of Madras or the port of Bombay.

#### VI.—Registration of Emigrants.

**27.** Every Native of India, who in any place other than the Towns of Calcutta, Madras or Bombay,

*Natives engaging to emigrate to appear before Magistrate.* enters into any engagement with a Recruiter to emigrate, shall, before leaving the District within which the engagement was entered into, appear with the Recruiter before the Magistrate of such District, and no Recruiter shall remove such Emigrant from the said District until he has so appeared.

Upon so appearing, the Magistrate shall examine

*Examination and registration.* the intending Emigrant with reference to his engagement; and, if it appears that he

understands the nature of the engagement he has entered into and that he is willing to fulfil the same, the Magistrate shall register in a book to be kept for the purpose, in such form as the Local Government prescribes,

(a) the name, name of the father, and the age, of such Emigrant,

(b) the name of the village or place of which such Emigrant is a resident,

(c) the Emigration dépôt to which it is intended he shall proceed, and

(d) the rate of wages and period of service, if any, agreed upon between the Emigrant and the Recruiter.

If the Magistrate thinks that the intending Emigrant does not understand the nature of the engagement, or has been induced to enter into the engagement by fraud or misrepresentation, he shall refuse to register his name.

A copy of every registration under this section, written on substantial paper which shall not require a stamp, shall be furnished by the Magistrate to the Emigrant registered.

**28.** Authentic copies of every such registration

*Copy of registration to be sent to Emigration Agent and Protector.* shall be forthwith forwarded to the Emigration Agent at the dépôt to which the person named therein has been engaged to proceed, and to the Protector of Emigrants at the intended port of embarkation.

**29.** Every Native of India, who in the towns

*Registration of Emigrants recruited in pro-bay, enters into any engagement with a Recruiter to emigrate, shall, within forty-eight hours of making such engagement, appear with the Recruiter before the Protector of Emigrants in such town; and no Recruiter shall remove such Emigrant from the said town, or to any Emigration dépôt, until he has so appeared.*

Upon his so appearing, the Protector of Emigrants shall examine the intending Emigrant with reference to his engagement; and if it appears that he understands the nature of the engagement he has entered into, and that he is willing to fulfil the same, the Protector of Emigrants shall register in a book to be kept for the purpose, in such form as the Local Government prescribes,

(a) the name, the name of the father, and the age of such Emigrant,

(b) the name of the village or place of which such Emigrant is a resident,

(c) the Emigration dépôt to which it is intended he shall proceed, and

(d) the rate of wages and period of service, if any, agreed upon between the Emigrant and the Recruiter.

If the Protector of Emigrants thinks that the intending Emigrant does not understand the nature of the engagement, or has been induced to enter into the engagement by fraud or misrepresentation, he shall refuse to register his name.

A copy of every registration under this section, written on substantial paper which shall not require a stamp, shall be furnished by the Protector to the Emigrant registered.

**30.** An authentic copy of every such registration shall be forthwith forwarded by the Protector to be forwarded to Agent to the Emigration Agent of the place for which the person named therein has been engaged.

**31.** For the registration of every Emigrant under section twenty-seven Fee for registration by Protector or twenty-nine, the Recruiter shall pay to the Magistrate or the Protector of Emigrants, as the case may be, a fee of one rupee and eight annas.

On proof of the desertion of any Emigrant before embarkation, the fee paid in respect of such Emigrant may be refunded by the Magistrate or the Protector to the Recruiter by whom it was paid, under such rules as are from time to time made in that behalf by the Governor General of India in Council.

#### VII.—Conveyance of Emigrants to Depots.

**32.** (1.) Every Emigrant recruited under the provisions of this Act shall be conveyed by land or river with all convenient despatch to the depot, at the port of embarkation, established by the Emigration Agent of the place to which such Emigrant has contracted to emigrate.

(2.) The registered Emigrants engaged by any Recruiter shall, while proceeding to a depot, be accompanied throughout the journey either by the Recruiter himself or by a competent person appointed by him with the approval of the Magistrate by whom the Emigrants have been registered. The Magistrate shall give to the person so appointed a certificate under his signature, stating that he has been appointed for the journey to the depot.

(3.) Every Recruiter by or through whom Emigrants may be forwarded to a depot shall, throughout their journey, provide them with suitable lodging and food.

#### VIII.—Arrival at Depots and Procedure thereon.

**33.** The arrival of each Emigrant at a depot shall immediately be reported by the person in charge of the depot to the Emigration Agent, and by such Agent to the Protector of Emigrants.

**34.** The copy of the registration of every Emigrant, received by the Emigration Agent from the Medical Inspector, shall as soon as conveniently may be after the arrival of the Emigrant be shewn to the Medical Inspector of Emigrants; and the Emigrant shall be examined by the Medical Inspector to ascertain if he is in fit state of health to emigrate to the place to which he has contracted to proceed.

The Medical Inspector, if satisfied of his fitness, shall give a certificate thereof to the Emigration Agent: if satisfied of his unsuitness, he shall give a certificate hereof to the Protector of Emigrants.

**35.** If the Medical Inspector certifies that any Emigrant is not in a fit state of health to emigrate to the place to which he has contracted to proceed,

or if any irregularity has occurred in the recruitment of any Emigrant,

the Protector of Emigrants may order the Emigration Agent in whose depot such Emigrant may be, forthwith to pay to him, the Protector of Emigrants, such reasonable sum as is necessary to enable the labourer to return to the place where he was registered, and the Protector may take any steps he thinks necessary for the conveyance of the labourer to such place.

**36.** On failure of the Emigration Agent for twenty-four hours to comply with an order of the Protector for the payment of any such sum, the Protector may pay the same to or on behalf of the Emigrant.

Every sum so disbursed shall be recoverable by the Protector, with six per cent. interest from the date of disbursement, from the Emigration Agent on whose default it is paid, as money paid to the use of such Emigration Agent.

No further proof shall be required by any Court in any such case than that the Protector gave the Emigration Agent an order to pay such money, and that the Emigration Agent for a space of twenty-four hours made default in complying therewith.

Provided that every Emigrant who, from his state of health, is, in the opinion of the Medical Inspector, unfit to undertake the journey back to the place where he was registered, shall, in addition to his being conveyed back at the expense of the Emigration Agent, be entitled to continue in the depot and to be fed, clothed, lodged and attended to there, by and at the expense of the Emigration Agent, until such time as the Protector otherwise orders.

**37.** The Emigration Agent, in the presence of the Protector of Emigrants and within forty-eight hours after the arrival of each Emigrant at the depot, shall ascertain by personal communication with such Emigrant whether or not he has been properly fed and otherwise properly treated on his journey to the depot.

The Emigration Agent shall also, in the presence of the Protector and within such time as aforesaid, examine the copy of the registration furnished to the Emigrant under section twenty-seven or section twenty-nine. If for any reason further enquiry be necessary, such enquiry shall be made forthwith.

Unless the Emigration Agent, with the consent of the Protector, refuses to recognize or to be bound by the contract entered into by the Recruiter with the Emigrant, as shown by the copy of the registration produced by the Emigrant, such copy, if it be a copy furnished under section twenty-seven, shall be countersigned by both the Emigration Agent and the Protector, and if it be a copy furnished under section twenty-nine shall be countersigned by the Emigration Agent alone. The copy so countersigned, under whichever section it may have been furnished, shall be delivered back to the Emigrant.

If the Emigrant, without the consent of the Protector, refuses to return to the place from which he was sent by the contract entered into by the Recruiter to be made with him, the Emigrant, the Protector may thereupon order the Emigration Agent forthwith to pay to him, the Protector of Emigrants, such reasonable sum as is necessary to enable the Emigrant to return to the place where he was registered. On failure of the Emigration Agent to pay such sum within twenty-four hours of his being ordered so to do, the Protector may pay the same to or on behalf of the Emigrant. All the provisions of section thirty-six as to sums paid by the Protector shall apply, so far as the circumstances of the case permit, to sums paid by him under this section.

The Protector shall also, in every case in which there is a breach against Emigrants, it seems to him proper to do so, institute a suit on behalf of the Emigrant against the Emigration Agent, for the recovery of damages for the breach of contract committed by the Emigration Agent.

In every such suit, the contract entered into by the Recruiter shall be deemed to have been entered into by and to be binding on the Emigration Agent.

**38.** After the examination mentioned in section thirty-seven, and if the Medical Inspector has given a certificate of the fitness of the Emigrant to emigrate, the Emigration Agent shall deliver to the Emigrant a pass, countersigned by the Protector of Emigrants as hereinafter provided, stating the name and the age of the Emigrant and the name of his father, and certifying that he is in a fit state of health to emigrate to the place to which he has contracted to go.

**39.** The Protector of Emigrants shall attend personally at the examination and passing of Emigrants by the Emigration Agent under sections thirty-seven and thirty-eight, and shall see that the Emigration Agent makes all such enquiries of the Emigrants as it may be his duty to make.

If such Protector is satisfied with such enquiries, but not otherwise, he shall countersign the pass delivered by the Emigration Agent.

#### IX.—Emigrant Vessels.

**40.** (1.) It shall not be lawful to receive any Emigrant on board any vessel unless a license to carry Emigrants in such vessel has been obtained from the Local Government.

(2.) The Master or owner of any vessel who desires to obtain a license to carry Emigrants in such vessel, shall apply in writing through the Protector of Emigrants to the Local Government for such license.

(3.) Every such application shall state the number of men, women, and children proposed to be

carried, and the tonnage and other particulars respecting the vessel.

(4.) The Protector of Emigrants shall cause the vessel to be carefully surveyed by a competent person, with a view to ascertain her sea-worthiness and the extent and nature of her accommodation for Emigrants, and to ascertain that she is properly ventilated and is supplied with all the requisite tackle for her voyage.

(5.) The Protector of Emigrants shall make a full report on the survey to the Local Government; and if he is of opinion that the vessel is in all respects suitable for the carrying of Emigrants under this Act, but not otherwise, he shall give a certificate to that effect to the Master of the vessel.

(6.) In consideration of his obtaining a license to carry Emigrants, the Master shall be required to execute a bond of every vessel intended to carry Emigrants shall, upon the requisition of the Protector of Emigrants and before any Emigrant embarks on board of such vessel, execute in duplicate a bond, in such form as the Local Government prescribes, binding himself and his owners, in a penal sum of ten thousand rupees to conform to the several conditions in this Act provided. The Protector of Emigrants shall require the Master to execute such bond as aforesaid in duplicate, and shall forward one copy of it to the Government of the place to which the Emigrants are to be carried (or in the case of a French colony to the British Consular Agent at such colony) and the other copy of it to the Local Government.

**41.** (1.) No certificate under section forty-one shall be granted, unless there be provided for the Emigrants, either between decks or in cabins on the upper deck, firmly secured and entirely covered in, a space devoted to their exclusive use. Such cabins and space between decks shall in every part have a height of not less than five feet and a half.

(2.) No compartment shall take more than one adult Emigrant for every twelve superficial feet on deck, and for every cubic space of seventy-two feet, or more than one child who has completed two and has not completed ten years of age for every eight superficial feet on deck.

(3.) A distinct and separate place shall be fitted up for a hospital in every Emigrant vessel.

(4.) Women and children shall occupy a compartment of the vessel distinct and separate from the compartments of the single men.

(5.) An Emigrant above the age of ten years shall, for the purposes of this Act, count as an adult, and two children from one to ten years of age shall count as one adult.

**42.** (1.) There shall be actually laden and on board of every vessel carrying Emigrants, at the time of the departure of such vessel from the port at which they embark,

(a.) good and wholesome provisions for the use and consumption of the said Emigrants (over and above the victualling of the Captain, officers and crew, and of the cabin and other passengers, if any).

in such quantity and of such description and quality as may be prescribed by any rule framed by the Governor General of India in Council under section fifty-six,

(b.) fuel for cooking such provisions, and  
(c.) a supply of water, to the amount of seven gallons for every week of the probable length of the voyage for every Emigrant on board such vessel. Such water shall be carried in tanks or casks to be approved by the Protector of Emigrants. When casks are used, they shall be sweet and tight, of sufficient strength, and if of wood properly charred inside, and shall not be capable severally of containing more than three hundred gallons each: the staves of the water-casks shall not be made of fir, pine or soft wood.

(2.) Every such vessel shall, at the time of departure aforesaid, have a Surgeon, medicines, and stores, actually on board and shall carry with her a properly qualified European or Native Surgeon, and such medicines and other stores in such quantity and of such quality as may be prescribed by rules made under section fifty-six.

(3.) When any vessel is destined to call at a port or place in the course of her voyage for the purpose of filling up her tanks or casks, a supply of water at the rate hereinbefore mentioned, for every week of the probable length of the voyage to such port or place shall be deemed to be a compliance with this section.

The probable length of the voyage to such port or place shall be determined from time to time by the Protector of Emigrants, subject to the approval of the Local Government.

(4.) When any such vessel is fitted with Nor-  
mady's apparatus, or other Supply in vessel fitted apparatus approved by the Protector of Emigrants, for distilling sea-water, and with proper and sufficient means for working the same, a reduction shall be allowed of one-third in the quantity of water required under this section.

(5.) The Protector of Emigrants and the Protector and In- Medical Inspector of Emigrants shall see personally sure compliance with that all the provisions of this above provisions. section are complied with.

43. Before any vessel carrying Emigrants clears out for any place westward of the Cape of Good Hope, between the first day of March and the fifteenth day of September, the Protector of Emigrants shall personally see that every Emigrant is supplied with at least one extra double blanket, and that the same is placed with his other clothing or luggage.

Every Emigrant shall be allowed to make use of such double blanket so long as the vessel is outside of the tropics.

44. Before any vessel licensed to carry Emigrants shall be cleared out Certificate from Pro- tector of Emigrants from the port of Calcutta, Madras or Bombay, the Master of such vessel shall obtain from the Protector of Emigrants at the port of clearance, and from the Emigration Agent for

the place to which the Emigrants are intended to proceed, certificates, under the seal of such Protector and Emigration Agent respectively, to the effect following, that is to say—that such Protector and Emigration Agent, in respect of the Emigrants proceeding in such vessel, done all that is hereinbefore required to be done on the part of such Protector and Emigration Agent respectively; and that all the directions herein contained for ensuring the health, comfort and safety of the Emigrants have been duly complied with, as well as all such rules as the Governor General in Council from time to time frames under section fifty-six.

#### X.—Embarcation.

45. If any Emigrant without sufficient cause refuses or neglects Emigrants refusing to embark when called upon by the Emigration Agent so to do, it shall not be lawful to compel such Emigrant to embark or to put him on board ship against his will, or to detain him against his will at the dépôt or elsewhere; but nothing in this section shall diminish or affect the civil or criminal liabilities, which such Emigrant incurs by reason or in respect of his refusal or neglect aforesaid.

Every case in which an Emigrant is charged before a Magistrate of a Presidency Town with refusing or neglecting to embark without sufficient cause, shall be heard and determined by such Magistrate in a summary manner, and every such labourer shall, on conviction, be punished in the manner provided in section four hundred and ninety-two of the Indian Penal Code for the punishment of offences under that section.

46. Emigrants may leave India for any place East of the Cape of Good Hope to which emigration places East of Cape of Good Hope is lawful under this Act, at all times of the year.

For any such place West of the Cape of Good Hope, Emigrants may leave only between the thirty-first of July and the sixteenth of March, For other places unless they embark in vessels using steam-power, in which case they may leave at any time of the year.

Provided that, in cases of emergency, the Lieutenant Governor of Bengal may permit Emigrants for any place West of the Cape of Good Hope to leave the port of Calcutta between the thirty-first day of July and the first day of April.

47. The Protector of Emigrants shall, from the report of the Medical Inspector and by personal communication with every Emigrant before embarkation, ascertain that the Emigrant is in good health and not incapacitated from labour by old age, bodily infirmity, or disease.

If the Protector of Emigrants is of opinion that any Emigrant is in a state of health which makes him unfit to undertake the voyage on which he is about to embark, the Protector shall refuse to permit his embarkation.

The Protector of Emigrants shall also, before the embarkation of any Emigrant, ascertain that

copy of the registration, twenty-seven or section

of the Protector of Emigrants, if such Emigrant has lost such copy, may furnish such Emigrant with a copy of such registration, to be made from the copy received by the Protector from the Magistrate under section twenty-seven or from the Register kept by himself under section twenty-nine, and shall thereupon allow such Emigrant to embark.

**48.** The Protector of Emigrants shall explain to all Emigrants, prior to their embarkation, the substance of the provisions of this Act so far as they immediately affect such Emigrants.

**49.** (1.) When any Emigrants are about to embark on any vessel, the Emigration Agent for the place to which they are intended to proceed shall furnish the Master of the vessel with five copies of a list, specifying, as accurately as may be, the names, ages and occupations, and the names of the fathers, of the Emigrants about to embark on board such vessel.

(2.) On embarkation, every Emigrant shall deliver to the Master of the vessel the pass granted to him under section thirty-eight; and the Master shall not receive any Emigrant on board unless he delivers up such pass. The Master shall compare the Emigrants who embark and the passes delivered by them with the list furnished by the Emigration Agent, and if the list appear to be correct, and to correspond, with the passes delivered and with the Emigrants embarked, the Master shall sign the five copies of the list.

(3.) The Protector of Emigrants shall be personally present at the embarkation of all Emigrants, and shall see that the Master duly compares the list with the passes and Emigrants, and he shall himself also compare the list with the passes and Emigrants.

(4.) When the copies of the list have been signed, the Master shall give two copies to the Protector of Emigrants, who shall sign such copies if he believes them to be correct, and shall return one copy to the Master of the vessel; the other copy shall be filed in the office of the Protector of Emigrants.

(5.) The Protector of Emigrants shall not permit any Emigrant to remain on board who has not a pass, or is not mentioned in the list aforesaid.

(6.) Every pass delivered up to the Master of a vessel under this section shall be returned by him to the Emigrant by whom the same was delivered up, prior to such Emigrant disembarking on the arrival of the vessel at her place of destination.

**50.** The Master of every vessel carrying Emigrants shall, after the embarkation of the Emigrants and before the departure of the vessel, give to the Emigration Agent at the port from which such vessel is cleared out two others of the five copies of the list of Emigrants mentioned in section forty-nine, duly signed by the Master.

The Emigration Agent shall thereupon sign such copies, and shall deliver at place of destination to the Master one of the said copies, which shall, on the arrival of the vessel at the place of destination and previous to the disembarkation of any Emigrant, be delivered by the Master to the Protector of Emigrants, or other the proper officer, at such place.

**51.** The Protector of Emigrants shall, by every vessel which carries Emigrants, send to the Protector of Emigrants or other the proper Government Authority at the place for which the Emigrants embark, a correct and detailed list of all Emigrants embarked in such vessel, compiled from the passes of the Emigrants and from the list signed by the Master aforesaid.

**52.** The Master of every vessel carrying Emigrants from the port of Calcutta shall proceed on his voyage and depart with his vessel from Garden Reach within twenty-four hours after the embarkation of such of the Emigrants as shall have first embarked.

**53.** Every vessel sailing from the port of Calcutta with Emigrants shall proceed from Garden Reach to sea under tow of a competent steamer.

**54.** Two copies of this Act and of all rules made by the Governor General of India in Council under section fifty-six, and two copies of a translation of this Act and of such rules, in such language or languages as the Local Government may direct, shall be delivered to the Master of every vessel carrying Emigrants by the Emigration Agent at the time of clearance, and shall be kept on board of every such vessel during the whole voyage.

One of such copies or translations shall, upon request made at any reasonable time to the Master of the vessel, be produced to any Emigrant or passenger for his perusal.

**55.** In case of sickness breaking out on board of any vessel conveying Emigrants to Seychelles, such Emigrants may be taken to the quarantine-station of Mauritius.

In such case the Emigrants may, at their option, contract for service in Mauritius, or may proceed to Seychelles.

If they elect to contract for service in Mauritius, such Emigrants shall then be regarded and treated

in all respects, as if they had emigrated to Mauritius under the provisions of this Act.

#### XL.—Supplementary Powers.

**56.** The Governor General in Council may from time to time make rules consistent with this Act, —

(1.) To regulate the proportion of women to be taken with Emigrants, and the age below or above which children shall not be taken;

(2.) To prescribe the description, quantity and quality of provisions to be taken by vessels carrying Emigrants, the daily allowance of food and water to be issued to each Emigrant during the voyage, and the nature and amount of clothing which shall be supplied to the Emigrants;

(3.) To provide for the medical care of Emigrants during their residence at the depôts and on their voyages;

(4.) To prescribe the nature, quality and quantity of medical drugs and other stores to be carried on board such vessels;

(5.) To provide for the ventilation and cleanliness of such vessels during their voyages, and for their being furnished with a sufficient number of suitable boats for use in case of shipwreck or fire;

(6.) To provide for a journal being kept, by the Surgeon of every such vessel, of the health of the Emigrants, and of his treatment of the sick, together with full explanations of the causes of every death;

(7.) And generally to provide for the security, well-being, and protection of Emigrants.

All such rules shall be published in the *Gazette of India* and shall have effect as if they were contained in this Act.

Provided that, in cases of emergency, the Lieutenant Governor of Bengal may permit any vessel carrying Emigrants to leave the port of Calcutta, although the proportion of women embarked on board such vessel is not in accordance with the said rules.

**57.** Whenever the Governor General in Council

Power to prohibit emigration to any place to which emigration is allowed. has reason to believe that in any place to which emigration is lawful under this Act, proper measures have

not been taken for the protection of Emigrants immediately upon their arrival in such place or during their residence therein, or for their safe return to India, or to provide a return-passage to India for any such Emigrants at or about the time at which they are entitled to such return-passage, the Governor General in Council may, by notification published in the *Gazette of India*, declare that emigration to such place shall cease and be prohibited from a certain day to be specified in the notification.

**58.** After any notification has been published under section fifty-seven, emigration to places mentioned to be suspended is specified in such notification shall be suspended from the day specified in the notification: but such suspension shall not affect any act done, offence committed, or proceedings commenced before such suspension.

**59.** During the time of such suspension any

During such time, his own emigration, or the laws against emigration, or the making of any contract for labour to be performed by any Native of India out of the British territories in India, shall take effect so far as relates to the place specified in the notification, in the same manner and to the same extent as if emigration to such place had never been declared to be lawful.

**60.** Whenever the Governor General in Council is satisfied that, in the

Revocation of suspension. place specified in any notification under section fifty-seven, proper measures have been taken and will be adopted for the protection of Emigrants immediately upon their arrival thereat and during their residence therein, and for their safe return to India, and for providing return-passages to India for such Emigrants at or about the time at which they are entitled to such return-passages, the Governor General in Council may notify in the *Gazette of India* that emigration to such place shall again be allowed from a day to be specified in such notification.

Therupon all the provisions of this Act authorizing emigration to such place shall, from the day so specified, be revived and have the same effect as if such emigration had not been suspended, except as to acts done, offences committed, and proceedings commenced during the time of such suspension.

**61.** Whenever the Governor General in Council

Power to prohibit emigration. oil or the Local Government has reason to believe that, in any place to which emigration is lawful, the plague or other infectious disease dangerous to human life has broken out,

or that proper measures have not been taken for the protection of Emigrants immediately upon their arrival in such place or during their residence therein,

or for their safe return to India,

or to provide a return-passage to India for any such Emigrants at or about the time at which they are entitled to such return-passage,

the Governor General in Council or the Local Government may, by notification published in the *Gazette of India* or the local Gazette (as the case may be), declare that emigration from British India or from the territories subject to the Local Government (as the case may be) to such place shall cease and be prohibited from a certain day to be specified in the notification.

Any notification issued by the Governor General in Council under this section may be cancelled by notification in the *Gazette of India*.

Any notification issued by the Local Government under this section may be cancelled by order of the Governor General in Council, or by the Local Government.

**62.** The Governor General in Council may,

Power to increase fees. from time to time, by notification in the *Gazette of India*, increase any fee payable under sections eleven, nineteen and thirty-one, and may also

any amount any  
time before his release under  
this section, to the same amount.

### XII.—*Provisions as to French Colonies.*

**63.** The Government may nominate a person to be Emigration Agent under this Act for each of the Ports of Calcutta, Madras and Bombay. Pro-

viso. provided that such person, before entering on the duties of his office under this Act, has been approved by Her Majesty.

**64.** The Emigration Agents so nominated and approved as aforesaid shall be authorized, under the conditions prescribed in this Act, to recruit and engage Native labourers for all or any of the French Colonies aforesaid.

**65.** The said Emigration Agents shall act in conformity with the regulations now or hereafter existing for the recruitment of Native labourers for British Colonies, and shall, with regard to the operations of recruitment which are entrusted to them, enjoy for themselves and the persons whom they may employ in the management of the said operations, all the facilities and the advantages afforded to the Emigration Agents for British Colonies.

**66.** The Protector of Emigrants at each of the three British Ports aforesaid, shall act for the British Government as Protector of labourers emigrating under the provisions of this Part of this Act.

In French Ports in India the duty imposed on the British Consular Agents by Article V of the Convention printed in the third schedule hereto annexed shall be performed under such instructions as may be given by the Governor General in Council in this behalf.

**67.** All contracts of service made with labourers emigrating to French Colonies under this Act, except the contracts mentioned in clause four of Article IX and clause two of Article X of the said Convention, shall be made in India, and shall bind the Emigrant either to serve a person designated by name, or to serve a person to whom he is allotted by the proper authority on his arrival in the Colony to which he emigrates.

**68.** The contracts of service shall be in accordance with the terms of the said Convention, and shall make provision for—

(1.) The duration of the engagement at the expiration of which the Emigrant shall receive a return-passage to India at the expense of the French Government, and the terms on which he may abandon or renounce his right to a free return-passage.

(2.) The number of days and hours of work.

(3.) The wages and rations as well as the rate of payment for extra work, and all the advantages promised to the Emigrant.

(4.) Gratuity medical treatment for the Emigrant, except in cases where, in the opinion of the proper Government officer, his illness has arisen from his own misconduct.

(5.) In every contract of engagement there shall be inserted an exact copy of Articles IX, X, XX and XXI of the said Convention.

**69.** The Governor General in Council may, by order to be published in the *Gazette of India*, extend this Act to any other French Colony not expressly named herein, at which a British Consular Agent is established and to which the application of the said Convention shall be extended, and in such order may declare the probable length of the voyage to such Colony.

Such declaration shall have the same effect as if it formed part of this section.

**70.** Every Emigrant vessel sailing to a French Colony shall carry an European Surgeon and an Interpreter.

### XIII.—*Penalties.*

**71.** Whoever, except under and in conformity with the provisions of this Act, makes any contract with any Native of India for labour to be performed in any place beyond British India to which emigration is not authorized under this Act, shall be deemed to have committed the offence specified in section three hundred and sixty-three of the Indian Penal Code :

And whoever knowingly enables or assists any Native of India to emigrate to any such place, or aids in or abets the emigration of any Native of India to any such place, shall be deemed to have abetted the commission of that offence.

**72.** Whoever, not being a Recruiter duly licensed under this Act, acts being licensed, or is employed as a Recruiter of labourers, or contrary to the provisions of this Act, enters into any contract with a Native of India for labour to be performed by such Native in any place beyond British India, shall be liable to a fine not exceeding five hundred rupees.

**73.** Whoever, being a duly licensed Recruiter, removes any Emigrant whom he may engage in any district or place other than the towns of Calcutta, Madras or Bombay, from such district or place, without such Emigrant having appeared along with the Recruiter before the Magistrate of the District in order that the Emigrant might be examined and registered;

and whoever removes any Emigrant whom he may engage in any one of the towns of Calcutta, Madras or Bombay, from such town, or to an emigration depot, without such Emigrant having appeared with the Recruiter before the Protector of Emigrants in order that the Emigrant might be examined and registered,

and whoever by means of intoxication, violence, fraud, or false pretence induces any Native of India to enter into a contract for labour to be performed

y him in any place to which emigration is lawful under this Act, or to proceed to any such place without having entered into any contract;

and whoever fails to supply any Emigrant whom he is not supplying he has engaged, and who is proper food, registered, with suitable food, or otherwise treats such Emigrant on his journey to the dépôt;

and whoever forwards, sends or conveys any For not taking labourer such Emigrant otherwise to dépôt, than is provided in section thirty-two, or to any house

or place in or near the Towns of Calcutta, Madras or Bombay, respectively, other than the dépôt for the Emigrants for the place at which such Emigrant has contracted to labour,

shall be liable to a fine not exceeding five hundred rupees.

**74.** Whoever, being a duly licensed Recruiter, forwards or sends any Emigrant or allowing them to grant from the district or town in which he has registered.

For forwarding labourers into an engagement, to any emigration dépôt, without such Emigrant having been duly registered in accordance with the provisions of sections twenty-seven and twenty-nine;

and whoever, being a duly licensed Recruiter, induces or knowingly permits any such Emigrant to leave such district or town, or to proceed to any emigration dépôt, for the purpose of emigrating to any place, without the Emigrant being duly registered as aforesaid,

shall be liable to a fine not exceeding five hundred rupees.

**75.** Whoever, without lawful authority, issues any written order to the Police to assist himself or any other person to procure labourers to proceed to any place beyond British India, or falsely represents that such labourers are required by the Government or are to be engaged on behalf of Government,

shall be liable to a fine not exceeding five hundred rupees.

**76.** The Master of any vessel which has not been licensed as provided in section forty, knowingly receiving any Emigrant

on board in order to convey such Emigrant to any place contrary to the provisions of this Act, shall be liable to imprisonment for a period not exceeding one year, and also to a fine not exceeding one thousand rupees for every such Emigrant received on board, and the vessel shall be liable to be forfeited.

**77.** If the Master of any vessel, at the port of Calcutta, the port of Madras, or the port of Bombay, clears such vessel for any place to which emigration is

lawful under this Act, and takes on board any Emigrant without having fully complied with every requirement imposed in sections forty-one and forty-two, he shall be liable to a fine not exceeding two hundred rupees for every Emigrant so taken on

**78.** If the Master of any vessel after having cleared such vessel for any place to which emigration is lawful under this Act, takes on board any Emigrant without such Emigrant having been

duly entered in the lists mentioned in sections forty-nine and fifty, and in the manner in those sections prescribed, he shall be liable to a fine not exceeding two hundred rupees for every Emigrant so taken on board.

**79.** If after having obtained a certificate in accordance with the provi-

sions of section forty, the Master of any vessel cleared for any place to which emigration is lawful under this Act, fraudulently does, or suffers to be done, any act or thing whereby the certificate becomes inapplicable to the altered state of the vessel or other matter to which such certificate relates, he shall be liable to a fine not exceeding five thousand rupees,

and he may also be sued on any bond which he may have executed in consideration of any license obtained for the vessel as originally described.

**80.** If the Master of a vessel sailing from the

port of Calcutta, licensed For proceeding to sea under section forty and without steam, sailing with Emigrants on board, without reasonable

excuse causes or allows his vessel to proceed from Garden Reach to sea, or to proceed any part of the distance between Garden Reach and sea, without his vessel being under tow of a competent steamer,

or if such vessel has not left Garden Reach and proceeded on her voyage within the time prescribed in section fifty-two,

the Master of such vessel shall be liable to a fine not exceeding one thousand rupees.

**81.** All the powers vested by law in the

Customs officers may regard to the searching and detention of vessels, or otherwise, for the prevention of smuggling on board thereof, may be exercised by such officers for the prevention of the illegal embarkation of Emigrants on board vessels bound for any place to which emigration is lawful under this Act, and of other offences against this Act.

**82.** All prosecutions under this Act sh-

Prosecutions under this laid at the insta- Act where and how in- Emigration Ap-

Protector of of an officer appointed for the Local Government, before a M

as they shall be instituted within or for offences c

of the towns of Cal-

All fines imp-

Mode of recovery

the said to

Code o

comm

pre

83

Probable  
voyages to play  
in section twelve.  
Madras or Bombay res-  
pectively, shall, for the purposes of this Act, be  
deemed to be as follows:

FROM CALCUTTA:—

|   |  |
|---|--|
| To Mauritius, Seychelles<br>and Réunion | Between the months of<br>April and October in-<br>clusive, ten weeks;<br>and between the<br>months of Novem-<br>ber and March inclu-<br>sive, eight weeks. |
|---|--|

|   |               |
|---|---------------|
| To Jamaica, British<br>Guiana, Trinidad, St.<br>Lucia, Grenada, St.<br>Vincent, St. Kitts and<br>St. Croix, Martinique,<br>Guadeloupe and its<br>dependencies | Twenty weeks. |
|---|---------------|

|                  |                   |
|------------------|-------------------|
| To French Guiana | Twenty-six weeks. |
|------------------|-------------------|

|          |               |
|----------|---------------|
| To Natal | Twelve weeks. |
|----------|---------------|

FROM MADRAS:—

|   |  |
|---|--|
| To Mauritius, Seychelles<br>and Réunion | Between the months of<br>April and October in-<br>clusive, seven weeks;<br>and between the<br>months of Novem-<br>ber and March inclu-<br>sive, six weeks. |
|---|--|

|  |                 |
|--|-----------------|
| To Jamaica, British<br>Guiana, Trinidad, St.<br>Lucia, Grenada, St.<br>Vincent, St. Kitts,<br>St. Croix, Martinique,<br>Guadeloupe and its<br>dependencies, and<br>French Guiana | Nineteen weeks. |
|--|-----------------|

|          |            |
|----------|------------|
| To Natal | Ten weeks. |
|----------|------------|

FROM BOMBAY:—

|   |  |
|---|--|
| To Mauritius, Seychelles<br>and Réunion | Between the months of<br>April and September<br>inclusive, five weeks;<br>and between the<br>months of October<br>and March inclusive,<br>six weeks. |
|---|--|

|  |                 |
|--|-----------------|
| To Jamaica, British<br>Guiana, Trinidad, St.<br>Lucia, Grenada, St.<br>Vincent, St. Kitts,<br>St. Croix, Martinique,<br>Guadeloupe and its<br>dependencies, and<br>French Guiana | Nineteen weeks. |
|--|-----------------|

|                |
|----------------|
| ... Ten weeks. |
|----------------|

tion under section twenty-  
four shall state the probable  
date of the voyages from  
Madras and Bom-  
bay respectively, to every  
period of emigration is  
to be

85. The Local Government may from time to  
time authorize any person  
invested with the powers  
of a Magistrate, as defined  
in the Code of Criminal  
Procedure, to perform the  
duties and exercise the powers of this Act  
assigned to and conferred on the Magistrate of  
the District.

Every person so authorized shall in all respects  
for the purposes of this Act be deemed to be in-  
cluded in the words "the Magistrate of the  
District."

86. Nothing in this Act or in any rule to be  
made by the Governor General in Council un-  
der it not to apply to certain vessels. Under section sixty-one shall  
apply to any vessel in the service of the Lords  
Commissioners of the Admiralty, or to any of Her  
Majesty's vessels.

## THE FIRST SCHEDULE

(See section 2.)

| Number and<br>year. | Title.  |
|---------------------|---|
| XLVI of 1860.       | To prohibit and regulate the Emigration of Native Labourers to the French Colonies.                                   |
| VII of 1863.        | To amend Act XLVI of 1860 (to authorize and regulate the Emigration of Native Labourers to the French Colonies).      |
| XIII of 1864.       | To consolidate and amend the laws relating to the Emigration of Native Labourers.                                     |
| VI of 1869.         | To amend the law relating to the Emigration of Native Labourers.  |
| VI of 1870.         | To enable the Governor General in Council to increase the fee payable under section thirty-one of the Emigration Act. |

## THE SECOND SCHEDULE

(See section 19.)

Office of the Protector of Emigrants at the Port of

A. B. is hereby licensed under the Indian Emigration Act, 1871, to be a Recruiter for engaging persons to proceed to for the purpose of labouring for hire.

This license will be in force for one year only from this date.

Dated the day of

(Signed) C. D.,  
Protector of Emigrants.

## THE THIRD SCHEDULE

(See sections 66, 67 and 68.)

Convention between Her Majesty and the Emperor of the French relative to the Emigration of Labourers from India to the French Colonies, with an additional article thereto annexed.

Signed at Paris, July 1861.

[Ratifications exchanged at Paris, July 30th, 1861.]

His Majesty the Emperor of the French having made known, by a declaration dated this day (1st July 1861) his resolution to put an end to the recruiting upon the coast of Africa of negro labourers by means of rekidation; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland desiring, in consequence, to facilitate the immigration of free labourers into the French Colonies, their said Majesties have resolved to conclude

Convention desired to regulate the recruitment of such labourers in the British territories in India. For this purpose they have named as their Plenipotentiaries:—

Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, the Most Honourable Henry Richard Charles Earl Cowley, Her Majesty's Ambassador Extraordinary and Plenipotentiary to the Emperor of the French;

And His Majesty the Emperor of the French, M. Edouard Antoine Thouvenel, Senator, His Minister and Secretary of State for the Department of Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in the form, have agreed upon the following Articles:—

#### ARTICLE I.

The French Government shall be at liberty to recruit and engage labourers for the French Colonies in the Indian Territories belonging to Great Britain, and embark Emigrants, being subjects of Her Britannic Majesty, either in British or French Ports in India, under the conditions hereinafter stipulated.

#### ARTICLE II.

The French Government shall entrust the direction of its operations in every centre of recruitment to an Agent chosen by itself.

Those Agents must be approved by the British Government.

Such approval is despatched, with regard to the right of granting and withdrawing the Exequatur given to Consular Agents.

#### ARTICLE III.

This recruitment shall be effected conformably to the regulations which now exist, or may hereafter be established, for the recruitment of labourers for British Colonies.

#### ARTICLE IV.

The French Agent shall, with regard to the operations of recruitment which are entrusted to him, enjoy for himself and for the persons whom he may employ, all the facilities and advantages afforded by the Recruiting Agents for British Colonies.

#### ARTICLE V.

The Government of Her Britannic Majesty shall appoint in those British Ports where Emigrants may be embarked, an Agent who shall be specially charged with the care of their interests.

In French Ports the responsibility with regard to Indian subjects of Her Britannic Majesty shall be confined to the British Consular Agent.

Under the term Consular Agents are comprised Consuls, Vice-Consuls, and all other Commissioned Consular Officers.

#### ARTICLE VI.

No Emigrant shall be enlisted unless the Agent described in the preceding Article shall have been enabled to satisfy himself, either that the immigrant is not a British subject or, if a British subject, that his engagement is voluntary, that he has a perfect knowledge of the nature of his contract, of the time of his extinction, of the probable length of his voyage, and of all the different advantages connected with his engagement.

#### ARTICLE VII.

The contracts of service which are to be provided for by section 4 of Article IX, and section 2 of Article X, shall be made in India, under the laws of India, and the Emigrant to serve a person designated by name, or to serve a person to whom he shall be allotted by the proper authority on his arrival in the Colony.

#### ARTICLE VIII.

The contracts shall, moreover, make stipulation for:—

1. The duration of the engagement, at the expiration of which the Emigrant shall receive return-passage to India, at the expense of the French Government, and the terms on which it will be competent to him to abandon or renounce his right to a free return-passage.

2. The number of days and hours of work.

3. The wages and rations, as well as the rate of payment for extra-work, and all the advantages promised to the Emigrant.

4. gratuitous medical treatment for the Emigrant, except in cases where, in the opinion of the proper Government office, his illness shall have arisen from his own misconduct.

In every contract of engagement there shall be inserted an exact copy of Articles IX, X, XX and XXI of the present Convention.

#### ARTICLE IX.

1. The duration of the Immigrant's engagement shall not be more than five years. In case, however, he shall be duly proved to have absented himself from work, he shall be bound to serve a number of days equal to the time of his absence.

2. At the expiration of that period, every Indian who shall have attained the age of ten years at the time of his departure from India, shall be entitled to a return-passage at the expense of the French Government.

3. If he can show that his conduct has been regular, and that he has the means of subsistence, he may be allowed to reside in the Colony without any engagement; but from that time he will lose his right to a free return-passage.

4. If he consents to contract a new engagement, he will be entitled to a bounty, and will retain his right to a return-passage at the expiration of this second engagement.

The right of the Immigrant to a return-passage extends to his wife, and to his children who quitted India under the age of ten years, as well as to those born in the Colonies.

#### ARTICLE X.

The Immigrant shall not be bound to work more than six days in seven nor more than nine hours and a half a day.

The conditions of task-work and every other kind of regulation for work, shall be freely arranged with the labourer. The obligation to provide, on holidays, for the care of animals and the necessities of daily life, shall not be considered as work.

#### ARTICLE XI.

In British Ports, the arrangements which precede the departure of the Emigrants shall be conformable to those prescribed by the regulations for the British Colonies.

In French Ports, the Emigration Agent or his deputies shall, on the departure of every Emigrant ship, deliver to the British Consular Agent a nominal list of the Emigrants who are subjects of Her Britannic Majesty, with a description of their persons, and shall also communicate to him the contracts of which he may require copies.

In such case, only one copy shall be given of all contracts of which the provisions are identical.

#### ARTICLE XII.

In the Ports of embarkation, the Emigrants who are subjects of Her Britannic Majesty shall be at liberty, conforming to the regulations of Police relative to such establishments, to leave the depots, or other place in which they may be lodged, in order to communicate with the British Agents, who on their part may at any reasonable hour visit the places in which the Emigrants, subjects of Her Britannic Majesty, are collected or lodged.

#### ARTICLE XIII.

Emigrants may leave India for the Colonies to the East of the Cape of Good Hope at all times of the year.

For other Colonies they may leave only from the 1st of August to the fifteenth of March. This arrangement only to sailing vessels; vessels using steam-power may leave at any time of the year.

Every Emigrant sailing from India between the first of March and the 1st of August shall receive at least one double set of the clothing usually allowed to him, so long as the vessel is outside.

#### ARTICLE XIV.

Every Emigrant who goes to the Colonies shall be accompanied by a Native servant and an Interpreter.

The Captain shall be responsible for the conduct of any Native servant sent by the British Consular Agent to the Emigrant.

occupy, on the average, in the upper deck space devoted to their exclusive use, a space between decks of not less than five feet and a half.

No compartment shall take more than one adult Emigrant for every cubic space of seventy-two feet in the Presidency of Bengal and at Chandernagore, and for every cubic space of sixty feet in other French Ports, and in the Presidencies of Bombay and Madras.

An Emigrant above the age of ten years shall count as an adult, and two children from one to ten years of age shall count as one adult.

A place shall be fitted up for a hospital in every Emigrant ship.

Women and children shall occupy compartments of the vessel distinct and separate from those of the men.

#### ARTICLE XVI.

Each shipment of Emigrants shall include a proportion of women equal to at least one-fourth of the number of men. After the expiration of three years, the numerical proportion of women shall be raised to one-third; after two years more, it shall be raised to one-half; and after a further period of two years, the proportion shall be the same as may be fixed for the British Colonies.

#### ARTICLE XVII.

The British Agents at the embarkation shall have, at all reasonable times, the right of access to every part of the ship which is appropriated to the use of Emigrants.

#### ARTICLE XVIII.

The Governors of the French establishments in India shall make such administrative regulations as may be necessary to ensure the complete execution of the preceding stipulations.

#### ARTICLE XIX.

On the arrival of an Emigrant ship in any French Colony, the Government shall cause to be transmitted to the British Consular Agent any despatches which it may have received for him, together with—

1. A nominal list of all labourers disembarked who are subjects of Her Britannic Majesty.
2. A list of the deaths or births which may have taken place during the voyage.

The Colonial Government shall take the necessary measures to enable the British Consular Agent to communicate with the Emigrants before their distribution in the Colony.

A copy of the "List of distribution" shall be delivered to the Consular Agent.

He shall be informed of all deaths and births which may occur during the period of engagement, as well as of all changes of employer, and of all departures on a return-passage.

Every fresh engagement, or act of renunciation of the right to a free return-passage, shall be communicated to the Consular Agent.

#### ARTICLE XX.

All Immigrants, being subjects of Her Britannic Majesty, shall, in the same manner as other subjects of the British Crown, and conformably to the ordinary rules of international law, enjoy, in the French Colonies, the right of being assisted by the assistance of the British Consular Agent; and shall be opposed to the labourer's resorting to the agent and communicating with him; without reference to the obligations arising out of his engage-

#### ARTICLE XXI.

Labourers no husband shall be separated from their father or mother from their birth. No labourer shall be removed without his own consent, or to the person to whom he is employed.

Labourers incapable of working beyond their strength, or who are entitled

#### ARTICLE XXII.

All operations of immigration may be carried on, in the French Colonies by French or British vessels without distinction.

British vessels which may engage in these operations shall be bound to conform to all the measures of Police, health and equipment which may apply to French vessels.

#### ARTICLE XXIII.

The Labour-regulations of Martinique shall serve as the basis for all the regulations of the French Colonies in which Indian Emigrants, subjects of Her Britannic Majesty, may be introduced.

The French Government engages not to introduce into those regulations any modification, the result of which would be to place the said Indian subjects in an exceptional position, or to impose upon them conditions of labour more stringent than those prescribed by the said regulations.

#### ARTICLE XXIV.

The present Convention applies to emigration to the Colonies of Ré-union, Martinique, Guadeloupe and its dependencies, and Guiana.

It may hereafter be applied to immigration to other Colonies in which British Consular Agents shall be established.

#### ARTICLE XXV.

The provisions of the present Convention relative to the Indian subjects of Her Britannic Majesty shall apply to the Natives of every Indian State which is under the protection or political control of Her said Majesty, or of which the Government shall have acknowledged the supremacy of the British Crown.

#### ARTICLE XXVI.

The present Convention shall begin to take effect on the first of September 1861, and shall continue in full force for three years and a half. It shall remain in full force, if notice for its termination be not given in the course of the month of September of the third year, and then notice can be given only in the course of the month of September of each succeeding year.

In case of notice being given for its termination, it shall cease eighteen months afterward.

Nevertheless the Governor General of British India in Council shall, in conformity with the Act of the 19th of September, 1850, relative to immigration to British Colonies, have the power to suspend at any time emigration to any one or more of the French Colonies, in the event of his having reason to believe that in any such Colony proper measures have not been taken for the protection of the emigrants immediately upon their arrival or during their residence therein, or for the purpose of returning to India, or to provide a return-passage to India for any such emigrants at or about the time at which they are entitled to such return-passage.

In case, however, the power thus reserved to the Governor General of British India should at any time be exercised, the French Government shall have the right immediately to terminate the whole Convention, if they should think proper to do so.

But in the event of the determination of the present Convention, from whatever cause, the stipulations relative to Indian subjects of Her Britannic Majesty introduced into the French Colonies shall be maintained in force in favour of the said Indian subjects, until they shall either have been sent back to their native country, or have renounced their right to a return-passage to India.

#### ARTICLE XXVII.

The present Convention shall be ratified, and the ratifications shall be exchanged at Paris in four weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 1st day of July, in the year of our Lord one thousand eight hundred and fifty-one.

(L. S.) COWLEY.  
(L. S.) THOMAS JEWELL.

## ADDITIONAL ARTICLE.

His Majesty the Emperor of the French having, stated that, in consequence of the order which he gave long ago that no African Emigrants should be introduced into the Colony of Réunion, that Colony has, since last year, had no labourers from India and China; and Her Britannic Majesty, having by a Convention signed on the 28th December 1869 between Her Majesty and His Majesty the Emperor of the French, authorized the Colony of Réunion to import Indian labourers in her Indian possessions, the Convention of this date shall take effect with regard to the said Colony of Réunion.

The present Additional Article shall have the same force and validity as if it were inserted, word for word, in the Convention signed this day. It shall be ratified, and the ratifications shall be exchanged at the same time as those of the Convention.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms,

Done at Paris, the 1st of July, 1870.

(L. S.) COWLEY.  
(L. S.) THOUVENEL.

## STATEMENT OF OBJECTS AND REASONS.

This Bill forms part of the scheme for consolidating the Acts and Regulations, the execution of which commenced in 1861, has since been steadily progressing, and is now being actively carried out. It consolidates the five Acts in which the law on the subject of cooly emigration is contained. The opportunity has been taken to improve, here and there, the wording and arrangement of that law; but no alteration has been made in its substance.

F. S. CHAPMAN.

The 30th November 1870.

WITNEY STOKES,

Secy. to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th December 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 36 of 1870.

## THE INDIAN ARMS BILL.

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## THE GAZETTE OF INDIA

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